



## Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

### MERRIMACK CONSERVATION COMMISSION AUGUST 17, 2020 MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, August 17, 2020 at 6:30 p.m.

Steven Perkins, Chair, presided:

Members of the Commission Participating: Gina Rosati, Secretary  
Michael Boisvert  
Cynthia Glenn  
Eric Starr, Alternate Member  
Michael Swisher, Alternate member  
Tim Tenhave, Alternate Member  
Councilor Peter Albert

Members of the Commission Absent: Gage Perry

Also Participating: Matt Peterson, Sr. Proj. Mgr., Keach Nordstrom Associates, Inc.  
Sarah Hardy, Girl Scout Troop 10375  
Christopher Buchanan, Chair, Amherst Bicycle & Ped. Adv. Cmte.  
Life Scout Daniel Bartus, Troop 424  
Peter Mikolajczuk, Chair, HHNP Sub-committee

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

As stated on the agenda, the meeting was 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: 937 0901 9189).

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

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.

**Chair Perkins**

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

**Commissioner Rosati**

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

**Commissioner 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 Glenn**

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

**Commissioner 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 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 Tenhave**

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

**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.

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

*Chair Perkins designated Michael Swisher to sit in for Gage Perry and Eric Starr to sit in as a voting member.*

**PUBLIC COMMENT** - None

**PUBLIC HEARINGS** - None

**APPOINTMENTS** - None

**STATUTORY/ADVISORY BUSINESS**

- 1. Bowers Landing of Merrimack, LLC (applicant/owner)** – Review for recommendation to the Planning Board for a site plan to construct 72 multi-family residential units in Phase VII of the Harris Pond Planned Unit Development. The parcel is located off of Bower’s Landing Drive in the I-1 (Industrial) and Aquifer Conservation District. Tax Map 1D, Lot 1-4.

Matthew Peterson, Senior Project Manager, Keach Nordstrom Associates, Inc., displayed a diagram depicting the lot (can be viewed [here](#); beginning at tape counter 8:00). The project consists of 3 four-story buildings (garden style). The construction of the 72 units represents the last phase of the overall project. Upon completion, the project will consist of 3 different types of residential uses; garden style, single-family, and townhouse.

Over the past 20 years, 12-22’ of fill has been placed in the area (originally designed to be a multi-family use all the way through). The project includes the digging out of an oversized infiltration pond. Mr. Peterson described how runoff would be addressed from the different areas of the site. There are no wetlands associated with the current phase of the project. Erosion jute matting will be utilized on any slopes greater than 3/1. A silt sock will be laid around the perimeter.

Runoff associated with the project comes from 3 different areas. The area identified on the drainage report as A, had approximately 10.69 CFS pre-construction. Because of what exists for soils and the separation from the groundwater, the post-construction amount is 5.49 CFS.

Commissioner Rosati noted reference to both no phosphorous and low phosphorous. Mr. Peterson responded reference to low phosphorous was in error. The plan should indicate no phosphorous in all areas.

Commissioner Tenhave questioned if water currently coming off the site is expected to recharge the Pennichuck system or does it flow out somewhere else and permeate into the ground. Mr. Peterson commented on the fill that currently exists noting a lot of that is running off and not being treated, etc. For him, it was much more conducive to put it into the ground where it would still get to the brook. The direction of the water is not being changed. The plan is going to NHDES. They are not changing the dynamics of the runoff.

Commissioner Tenhave questioned where the outlet is, should there be an event that causes the pond to fill. Mr. Peterson stated there is an emergency overflow. Should the elevation rise above the 199.75 it would overflow. Currently the top of the berm for a ten-year storm is at 199.55. There is some that goes over the emergency spillway for the twenty-five year storm (hits 198.98). Commissioner Tenhave commended them for creating such a space and having it large enough to get the water back in the ground.

*Commissioner Rosati noted the only recommendation to be to correct the reference to low phosphorous.*

**NEW BUSINESS**

- 1. Girl Scout Gold Award project** – Sarah Hardy, Troop 10375

Sarah Hardy, Troop 10375, stated she has completed her bronze and silver awards, and is working towards her gold award. Her proposed project is to construct long phone stands/props that can be located along key points

of the trails in Merrimack. Phone props would allow users of the trails to be able to capture photos of individuals and the surrounding scenery.

She spoke of an instance where she witnessed teenagers in Wildcat Falls attempting to capture a photo near a ledge. The girls were leaning pretty far over to capture the photo they desired. She would like to provide a safer way for people to capture those type of photos.

She has considered constructing the stands out of cedar. The desire is for the stands to fit in with the surroundings. Necessary supplies would be purchased with funds hoped to be gained through fundraising and grant applications.

She suggested creating a site where individuals could share their photos or a QR code survey that could be placed on the phone stands for posting of questions about the stands, e.g., if people liked the idea, suggestions for locations, notification of any damage, etc.

Asked which properties she was looking at for placement of the stands, Girl Scout Hardy stated she would be pleased to follow the recommendations of the Commission. She spoke of the Wildcat Falls, Horse Hill Nature Preserve (HHNP), and the middle school trail. The intent would be perhaps 3 per trail.

Commissioner Boisvert noted Wildcat Falls is currently closed. Commissioner Rosati commented on erosion concerns near the waterfall at Wildcat Falls, and the desire to keep users from that area. She commented on the area near the river at the Sklar property. Commissioner Boisvert suggested the deck off the cul-de-sac on Beebe Lane that overlooks the beaver pond.

Asked to describe the stands, Girl Scout Hardy remarked she was considering something a bit smaller than the size of a normal iPhone and having the ability to turn back and forth and slide up and down to accommodate different individuals. The intent would be for the stand to be a few feet tall.

Asked how the stands would be made permanent, she stated the intent for them to be dug into the ground. She was uncertain if the stands could be chained in place.

Commissioner Swisher suggested locating the stands at sites that have already been established as a viewpoint.

**MOTION BY CHAIR PERKINS TO APPROVE GIRL SCOUT SARAH HARDY'S GOLD AWARD PROJECT TO PLACE PAINTED PHONE STANDS/PROPS ALONG THE HIKING TRAILS IN GRATER WOODS, THE HORSE HILL NATURE PRESERVE, AND WASSERMAN PARK  
MOTION SECONDED BY COMMISSIONER ROSATI**

ON THE QUESTION

Commissioner Boisvert expressed his opinion the Sklar Waterfront Park is not yet ready for stands. The deck area in Grater Woods would be a nice location. Commissioner Swisher commented on other locations within Grater Woods, e.g., wildlife view points (where benches are located).

Asked about the total number of stands that would be placed, Girl Scout Hardy remarked 2-3 on the trails designated by the Commission. Commissioner Swisher suggested one stand at each property in an area where other amenities exist. Asked for clarification, Girl Scout Hardy indicated she had envisioned 2-3 per trail; Grater Woods (deck area), HHNP (near beaver pond), along the full loop of the HHNP, which has an area where a bench is already located. Although closed at the moment, Wildcat Falls has areas (rock layouts) where people stop and rest. In total, she would be looking at approximately 6 stands. Asked who would receive and

respond to the survey, she indicated she would do a Google form that could perhaps be linked to the Commission's website and/or email. Commissioner Tenhave spoke of the need to ensure the information could be reviewed and responded to.

Commissioner Rosati commented with all of the attention that Wildcat Falls has received, she is somewhat uncomfortable with the idea of a survey. She is supportive of the idea of the survey, but not at this time. She questioned what the depth of the post should be, and if concrete would be needed to secure it. Commissioner Swisher remarked although he was not wanting to see concrete used, he would be concerned with the posts being removed/vandalized.

Asked if the project would be required to be presented to the Town Council, Councilor Albert stated his belief the Council would like to see some type of description relative to materials to be utilized, plans for installation, etc.

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

Yea: Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn, Commissioner Swisher,  
Councilor Albert, Chair Perkins, Commissioner Starr  
7  
Nay: 0

**MOTION CARRIED**

**2. Concept Planning for Amherst-Merrimack Trail - Christopher Buchanan, Chair of the Amherst Bicycle & Pedestrian Advisory Committee**

Relative to Girl Scout Sarah Hardy's proposed project, Christopher Buchanan, Chair, Amherst Bicycle & Pedestrian Advisory Committee (Committee), commented on a project done in Amherst that involved putting posts in the ground. He suggested consideration of cedar posts that are put in the ground between 1.5-3'. If using that material and depth, the posts would not corrode or require use of cement.

Mr. Buchanan stated the Committee put together a Master Plan that was approved by the Board of Selectmen last July. They looked to create a town-wide vision for how they could increase access. The two-fold plan is to improve roadways, particularly while under construction, and to provide trails that serve a transport function; longer trails that connect points of interest. Consideration is being given to the placement of trails along the Eversource transmission lines that expand from the area of 101A past Souhegan High School and eventually into Merrimack and through the HHNP. The Committee has been working to determine the process necessary to do this. They have done a lot of research and had communication with Eversource.

This particular corridor has a lot of mixed ownership; some owned outright by Eversource, several parcels owned by private landowners (Eversource easements). Being sought is the ability to provide private landowners an opportunity to participate in formation of public trails. The Committee is seeking assistance from other organizations including the Amherst Land Trust, to interface with the private land owners to seek formal trail agreements for this proposed trail.

Commissioner Boisvert commented on powerline rights-of-way having a lot of ATV traffic, and questioned if that is true of the area in question, and what the intent would be in regard to addressing that.

Mr. Buchanan responded he cannot speak for other trails, but does not believe the explicit intent would be to have motor traffic. It is becoming harder to define. In the past, you would just say non-motorized use;

however, that could represent a bit of a problem as they wish to increase accessibility/mobility opportunities so things such as motorized bicycles or mobility scooters, which would create difficulty in the definition of motorized. The intent is not to have snowmobiles, ATVs, and things of that nature. It is primarily for foot traffic or mountain bikes.

Commissioner Rosati requested clarification e-bikes are not intended, and was told that it is the stance of the Committee that e-bikes would not be permitted. They are permitted by their use in Amherst and some of the members of the Committee are senior citizens who require them in order to go where they used to.

Commissioner Swisher remarked he has never seen a mobility scooter capable of managing a wilderness type trail or those that tend to be under powerlines. He questioned if it is anticipated this trail would resemble more of what used to be referred to as a handicapped accessible trail where it would be highly graded or even paved. Mr. Buchanan responded no; this would be just the ground that is cleared approx. 5-8' wide. He commented on trying not to automatically exclude anyone. He does not anticipate there would be any particular type of use of the trail. He would expect it to be primarily foot traffic and perhaps mountain bikes.

Councilor Albert questioned the area desired for the trail to connect to in Merrimack. Mr. Buchanan displayed a map highlighting the area of the powerlines. Commissioner Tenhave questioned if the trail would end at the HHNP or travel through it, and was told the intent is that once reaching a trail in the HHNP, the initiative would end. One of the ideas was if getting one shot with an arrangement with Eversource to request anything possible. Commissioner Tenhave commented further east of the HHNP the terrain and property ownership get difficult. He suggested not going further than Naticook Road. Mr. Buchanan suggested the Loop Trail would seem the most logical place for the effort to stop. Commissioner Tenhave noted very few of the Commission's trails are 5-8' wide. This would open things up a bit. He noted the property owner between Peaslee Road and Gauthier Road does a lot of active work on their property.

Mr. Buchanan stated the next step would be to contact landowners, the logical starting point to be with Eversource. If those discussions are favorable, they would move on to other landowners.

Commissioner Tenhave stated his belief there would be a desire to understand what the maintenance plan is for the trail system. Typically existing trails follow the powerlines exactly, which means they may not have dealt with erosion correctly. Basically trails go straight up and down hill and when water starts going it runs straight down hill and will cut the trail into all kinds of ravines, etc.

Mr. Buchanan stated the Committee would look to the Commission for input with regard to trail maintenance. They would work with the Amherst Conservation Commission to have trail stewards maintain the trails there.

Councilor Albert commented the concept is interesting. He has questions and concerns with regard to the unintended creation of an OHRV highway.

Commissioner Rosati suggested, as has been the arrangement with other bike groups, that in exchange for use of the property, volunteer hours be provided for trail maintenance.

Chair Perkins commented in areas that receive unauthorized OHRV use, the amount of required trail maintenance is increased. Commissioner Glenn noted, in the past, the Commission has voted to disallow e-bikes (signs posted at the HHNP).

Chair Perkins thanked Mr. Buchanan for providing information on the idea, and requested the Commission be kept apprised of the efforts.

Mr. Buchanan spoke of the benefit that would be gained by having a member of the Commission serve as a liaison to ensure they are fulfilling any requirements.

Commissioner Tenhave commented if able to get Eversource behind the proposal, there will be more to discuss.

### **3. Eagle Scout Project – Daniel Bartus, Bowmen Boardwalk proposal at Horse Hill**

Life Scout Daniel Bartus, Troop 424, provided a presentation (can be viewed [here](#); tape counter 1:03:25). The project is replacement of a degraded bridge at the HHNP that crosses a bog. He spoke of fundraising efforts that could be undertaken to finance the project. Materials would be purchased and delivered to the HHNP by the Highway Department. The project would consist of the removal of the existing bridge, clearing and flattening of the ground, assembly of a new bridge (materials cut and measured in parking lot and hand carried to the location), followed by clean-up of the parking lot and bridge area. The project has been cleared through the HHNP Sub-committee.

The design will prolong the life of the new bridge allowing for water and leaves to easily drain off by leaving a screw-width gap between each plank, allowing for a dry and clean path for mountain bikers and hikers to cross. The lifespan of pressure treated wood is over 40 years. The bridge would be 50' long. There is a turn in the trail, which would be accommodated with 5' sections. The remaining section would be 25" wide. The entire bridge would be 30" wide. Six by six supports would go along the bottom to provide clearance from the ground. Both ends of the bridge will be extended approximately 10' to prevent water pooling at the ends making the new span of the bridge 85' and cover the entire span of the bog. The project is expected to involve 5 workdays utilizing volunteers sourced from the troop and the local chapter of New England Mountain Bikers Association (NEMBA) to help remove the old bridge.

Materials will consist of 6 x 6 lumber (ground supports), 2 x 10 decking, and 4" coated screws. Projected project cost is \$875.85. Tools to be utilized will include miter saw, tape measure, shovels, drills, and portable generator to power the miter saw. As per regulations, only adults will utilize the miter saw. A first aid kit will be onsite as well as bug spray and sunscreen. A minimum of 2 adults will be onsite each workday. All volunteers will wear masks and maintain social distancing.

Commissioner Swisher thanked Life Scout Bartus for his presentation. He questioned, when the old decking is removed, if some kind of a trail hardening base (e.g., gravel) would be utilized. Life Scout Bartus noted ground treated lumber would be used and the younger Scouts would gather rocks to put under the 6 x 6 supports.

A suggestion was made that a Shop-Vac be available onsite to contain debris from cutting. Another suggestion was to make the Watanic Bowmen group aware of the project and scheduled workdays to ensure they do not interfere with events they may have scheduled, e.g., parking limitations.

Life Scout Bartus requested of the Commission a donation towards the project. Peter Mikolajczuk, Chair, HHNP Sub-committee noted the sub-committee has a plan in place to replace bridges as needed, this being one of the ones hoped to replace this fall. The HHNP Sub-committee anticipated requesting funding for the project.

**MOTION BY COUNCILOR ALBERT TO DONATE THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) TOWARD LIFE SCOUT DANIEL BARTUS' PROPOSED EAGLE SCOUT PROJECT TO REPLACE/UPGRADE THE BOARDWALK ON THE LOOP TRAIL LOCATED NEAR THE WATANIC PARKING LOT IN THE HORSE HILL NATURE PRESERVE. SOURCE OF FUNDING IS FUND 53**

**MOTION SECONDED BY COMMISSIONER BOISVERT**

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

Yea: Chair Perkins, Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn,  
Commissioner Swisher, Councilor Albert, Commissioner Starr  
7  
Nay: 0

**MOTION CARRIED**

**MOTION BY COMMISSIONER ROSATI TO APPROVE LIFE SCOUT DANIEL BARTUS' PROPOSED EAGLE SCOUT PROJECT TO REPLACE/UPGRADE THE BOARDWALK ON THE LOOP TRAIL LOCATED NEAR THE WATANIC PARKING LOT IN THE HORSE HILL NATURE PRESERVE**

**MOTION SECONDED BY COMMISSIONER SWISHER**

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

Yea: Chair Perkins, Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn,  
Commissioner Swisher, Councilor Albert, Commissioner Starr  
7  
Nay: 0

**MOTION CARRIED**

**4. Parks & Rec. – Fall 5K Trail Race at Wasserman Conservation Area**

The Department of Parks and Recreation is looking to coordinate additional outdoor events, and is considering a 5K race. The majority of the race would occur at the Wasserman Park area; however, would cross into Commission managed property. The event would be planned for October or November. No permanent markings would be created.

Asked about the number of participants, Chair Perkins noted Matthew Casparius, Director, Parks and Recreation indicated he would limit the size of the field.

Commissioner Tenhave commented on this being Town owned land that the Commission assists with management of. While the Commission has a stake in this, at the end of the day, the authority to approve the project is that of the Town, providing it falls within the restrictions of the Deed and LCIP funding.

Commissioner Swisher questioned the optics in sanctioning a 5K. Although he understands it will be socially distanced and precautions will be taken, the perception may be negative.

*The consensus of the Commission was no objection to the proposal.*

**5. Resident donation – Accept and coordinate delivery of left over decking**

Commissioner Tenhave stated a resident reached out noting they had done a deck project and that the ends of the boards they had purchased were available. There are 26 pieces of leftover Trex decking. Each piece is a minimum of 22” long. The individual spoke of having spent a lot of time in Grater Woods, enjoyed the various bridges and things that have been put in place, and wished to donate the leftover material.

Were the Commission to purchase Trex decking and cut it in this way, it would be at a cost. Asked where the material might be used, Commissioner Tenhave suggested it could serve as replacement of a single bridge. Commissioner Boisvert commented on a stick bridge near the outlook in Grater Woods.

Asked if approval to accept the donation would be required by the Town Council, Councilor Albert was of the belief it would not be necessary given the material would otherwise be destined for the transfer station. He offered to ask for clarification from the Town Manager and Assistant Town Manager/Finance Director.

**MOTION BY CHAIR PERKINS TO APPROVE, WITH GRATITUDE, ACCEPTANCE OF DONATED DECKING, CONTINGENT UPON VERIFICATION NO FURTHER ACTION IS REQUIRED  
MOTION SECONDED BY COUNCILOR ALBERT**

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

Yea: Chair Perkins, Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn,  
Commissioner Swisher, Commissioner Starr, Councilor Albert

7

Nay: 0

**MOTION CARRIED**

**OLD BUSINESS**

**1. Land donation - 10 Tomasian Drive to the Conservation Commission**

Commissioner Tenhave displayed the plot plans generated by Meridian Land Services for the Tomasian Drive LLC project. When the cluster sub-division was put together it was with the concept that the outer parcel (20<sup>±</sup> acres) that spans around the entire property (4B/9-1) would be donated to the Commission rather than be a shared ownership by all parcel owners of the property. That was a condition of approval from the Planning Board. At this time, all of the homes have been constructed and the parcel is now at a point where the use by the LLC is no longer needed. The LLC was utilizing part of the parcel (corner of Amherst Road and Tomasian Drive) as a staging area. There are approx. 12 large rocks sitting on the corner that will be available to the Commission. The site has been brought back to original condition except for vegetation as it had been cleared of surface loam and used as staging. The area has been regraded. The LLC needs to transfer the parcel to the Commission.

For the sake of transparency, he noted, after this was approved, he became an owner of one of these parcels, and his home is located there.

In concept, everything has been approved as the Commission has been onboard for quite some time that this is what would occur. The details of the Deed of Transfer need to be worked up through the Town's legal counsel. Once Deed language is agreed upon, there is the need for the Commission to conduct a Public Hearing, take a formal vote on acceptance, and meet with the Town Council who would need to approve acceptance of the donation.

At this time, the desire is for the Commission to designate one of its members to take the process through completion working along with the LLC, Town, and legal counsel. Having undertaken this process on several occasions, Commissioner Tenhave offered to aid in the form of mentoring/guidance stating his preference for another member of the Commission to take this on. Commissioner Boisvert has been through the process in the

past.

The parcel borders the Souhegan River. To the west of the parcel is the Commission's 80+ acres that is part of Fields Farm. The vision back in 2014 was to combine the parcels making Fields Farm nearly 110 acres in size. Acceptance of the donation would enable the protection of the river and provide opportunities for recreation (trail that goes around the perimeter).

Commissioner Tenhave noted he has acted on behalf of the Commission in providing deed language to the LLC that closely mimics what the Commission has done with other land donations, inclusive of restrictions that mirror the restrictions of Fields Farm.

As a protected river, there is a 250' buffer having restrictions. The discussion in 2014 was that if on conservation property there would be no concern a landowner would violate those restrictions.

Commissioners Boisvert and Swisher expressed a willingness to serve in the role. Commissioner Swisher spoke of the desire to work with Commissioner Tenhave to be able to gain experience with this process.

***Commissioner Swisher will work with Commissioner Tenhave to move the process to fruition.***

## **2. Horse Hill Nature Preserve – review funds for decking project**

At its 3-2-20 meeting, the Commission approved an expenditure in an amount not to exceed \$900.00. Based on information received from the retailer, the actual cost is anticipated to be \$1,134.96.

Peter Mikolajczuk, Chair, HHNP Sub-committee, spoke of his experience when looking to purchase the lumber needed for the project; price has increased dramatically, and the specific size of pressure treated lumber needed is not available.

Portions of the bridge have been redesigned to utilize sizes that are more readily available.

**MOTION BY COMMISSIONER BOISVERT TO APPROVE AN EXPENDITURE IN AN AMOUNT NOT TO EXCEED THIRTEEN HUNDRED DOLLARS (\$1,300.00) TO COVER THE COST OF MATERIALS FOR THE ABBEY ROAD AND LOOP TRAIL BRIDGES IN THE HORSE HILL NATURE PRESERVE. SOURCE OF FUNDING IS FUND 53  
MOTION SECONDED BY CHAIR PERKINS**

### ON THE QUESTION

Commissioner Rosati noted the prior approval of an expenditure not to exceed \$900.00.

**MOTION WITHDRAWN**

**MOTION BY COMMISSIONER BOISVERT TO APPROVE AN ADDITIONAL EXPENDITURE IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED DOLLARS (\$400.00) TO COVER THE COST OF MATERIALS FOR THE ABBEY ROAD AND LOOP TRAIL BRIDGES IN THE HORSE HILL NATURE PRESERVE. SOURCE OF FUNDING IS FUND 53  
MOTION SECONDED BY CHAIR PERKINS**

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

Yea: Chair Perkins, Commissioner Rosati, Commissioner Glenn, Commissioner Boisvert,  
Commissioner Swisher, Commissioner Starr, Councilor Albert

7

Nay:

0

**MOTION CARRIED**

**3. Wildcat Falls Update**

Councilor Albert noted the Council approved the Ordinance around residents only parking. The Ordinance relative to parking fines was amended. What remains is the issue of restricting parking on one side of the street. It may be smaller sections of the neighborhood that are designated that way as a means of ensuring access by emergency vehicles.

Commissioner Rosati commented on a group that performed an assessment and trail maintenance at the end of July.

Asked about the timeframe of re-opening, Councilor Albert stated the Council has not discussed a re-opening date as of yet. He does not anticipate it would be prior to the start of the school year.

Commissioner Rosati thanked Kyle Fox, Director, Public Works Department, and PWD employees who utilized recycled asphalt from the Tinker Road construction to repave the parking lot at Wildcat Falls.

**4. Sklar Waterfront Park Update**

Chair Perkins spoke of prior discussion of a noticeable uptick in OHRV use and litter. He reached out to the Conservation Officer who has visited the area. The Conservation Officer questioned the times of day when the activity has been witnessed. That information has been passed on (weekday evenings and weekends).

Chair Perkins noted he emailed Chief Roy in regard to the concerns raised by the Commission. Chief Roy responded promptly and visited the area with the Town attorney and the entire command staff from the police station. During that visit, the group did not witness a lot of littering; however, it was right after volunteers had cleaned the area. Chief Roy has indicated she will continue to monitor that situation.

Commissioner Boisvert commented on being ready to move forward with assignments to the sub-committee. There are 4-5 individuals who are willing to serve in this capacity. He questioned next steps.

Commissioner Tenhave commented on past practice that a member of the Commission draft Charter language to be approved by the Commission. Once the Charter is approved, the Commission would advertise for membership. After a period of time has passed, the Commission would act on those who have expressed an interest to serve/volunteer.

***Commissioners Boisvert and Rosati will draft a Charter for the Commission's consideration at its next meeting.***

**OTHER BUSINESS**

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

Councilor Albert spoke of the upcoming Town Council Retreat. Discussion items include Wildcat Falls; parking lot, potential new entryways, and discussion of a conservation officer. Over the past year, one of the issues that has been highlighted is the ability to enforce/educate people on the rules associated with Commission properties.

He spoke of the need for repairs to the boat ramp at and the roadway into the Sklar property. He will continue to seek barriers that can be utilized. He was contacted by a gentleman who has a large number of boulders he is willing to deliver if made aware of a location.

Councilor Albert commented on the desire for the Commission to generate a punch list of needed projects to have available when approached by a scout seeking project ideas.

*Chair Perkins stated he would put that item on the next agenda for consideration.*

With regard to the Sklar Waterfront Park, he noted the roadway was graded last year. He suggested boulders may be utilized in that area to restrict 4x4 traffic that has been seen.

Commissioner Tenhave suggested looking to the sub-committees to participate in the creation of a list of potential projects.

**PRESENTATION OF THE MINUTES**

Merrimack Conservation Commission. . . . . [July 20, 2020](#)

*The following amendments were offered:*

- Page 3, Line 7; replace “Commissioner Boisvert” with “Chair Perkins”
- Page 5, Line 17; replace “equality” with “quality”
- Page 8, Line 5; replace “going” with “go”
- Page 8, Line 13; correct the spelling of “stated”
- In each instance it appears, correct the spelling of Twardosky”
- Page 9, Line 33; correct the spelling of “litter”
- Page 10, Line 4; insert “stated” following “Councilor Albert”
- Page 10, Line 20; correct the spelling of “another”
- Page 10, Line 23; insert “West” before “Chamberlain”
- Page 10, Line 45; insert “is” after “funding”
- Page 11, Line 23; correct the spelling of “affect”
- Page 12, Line 5; correct the spelling of “litter”

**MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED  
MOTION SECONDED BY CHAIR PERKINS**

Yea: Chair Perkins, Commissioner Rosati, Commissioner Glenn, Commissioner Boisvert,  
Commissioner Starr, Councilor Albert

6

Nay:

0

**MOTION CARRIED**

*Commissioner Swisher Abstained*

**PUBLIC COMMENT** - None

**COMMISSIONER COMMENTS**

Commissioner Starr questioned if the closure of Wildcat Falls pertains to the parcel as a whole or just the property the Commission manages. Commissioner Rosati stated it pertains to the Town owned but Commission managed property. The State owned land is open, you just cannot access it through Currier Road.

Commissioner Tenhave remarked there are a number of parcels that are Town owned and managed by the Commission. When there is a change in membership on the Council, the Commission receives different guidance as to its level of independence to manage and act on these properties. He suggested documenting what is meant by management. That would provide guidance for the Commission as well as Town staff. He was uncertain if the Town Council would like to take a position on that or address situations on a case-by-case basis.

Councilor Albert commented it makes good sense to understand the level of management the Commission will have on the properties. He requested an email be provided inclusive of examples so that the issue can be brought up for discussion at the Council's Retreat.

**ADJOURNMENT**

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

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

Yea: Chair Perkins, Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn,  
Commissioner Swisher, Councilor Albert, Commissioner Starr

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Nay:

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**MOTION CARRIED**

The August 17, 2020 meeting of the Merrimack Conservation Commission was adjourned at 9:01 p.m.

Submitted by Dawn MacMillan