



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

AUGUST 6, 2018

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, August 6, 2018 at 6:32 p.m. in the Merrimack Memorial Conference Room.

Chair Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chair
Michael Boisvert
Gina Rosati
Tim Tenhave, Alternate Member
Councilor Peter Albert

Members of the Commission Absent: Cynthia Glenn

Also in Attendance: Life Scout, Sidhanth Dhanaraj, Troop 261

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

1. Scout Project – Sidhanth Dhanaraj is presenting a project to build a kiosk at the Sklar property.

The intent is to construct a kiosk (8' x 6') utilizing a basic design; two 4 x 4s bolted down into a concrete slab (approx. 8' x 10'), roof, and an acrylic case in the middle for posting of materials. Wanting the project to have a technological twist, Life Scout Dhanaraj proposed an attached bench and solar lighting. The solar panels would provide lighting in the evening hours.

Anticipated project cost is \$535; kiosk \$400, bench \$75, and solar panel \$60. Fundraising would be through bake sales and a Saturday breakfast.

Councilor Albert questioned where the kiosk would be located. Commissioner Rosati noted Life Scout Dhanaraj was asked to consider a kiosk project on this property; however, the exact location has not yet been determined. Vice Chair Caron suggested a location; just beyond the radio controlled airplane field.

The Commission spoke of being pleased with the design. It was suggested efforts be taken to make the kiosk as vandal proof as possible. The area is just starting to be preserved and there remains a lot of ATV traffic, etc.

Chair Perry noted the kiosk would be located in front of the Town parcel, the boat launch, and the Sklar parcel, and stated the need for the project to go before the Town Council. He questioned if the desire was to combine the parcels so that they could be put on the map as one block. Vice Chair Caron stated his belief the Town has moved away from making that the Town boat ramp.

Councilor Albert spoke of having sent an email to the Town Manager requesting Police patrols be stepped up and soliciting suggestions such as utilizing larger rocks, etc. to construct something more natural to block off the man-made trails. Kyle Fox, Director, Public Works Department (PWD) indicated the department does not have enough large stone. Councilor Albert has requested, if coming across larger rocks during excavation work, the stones be placed in that location. He also suggested a stone wall as a possible solution. The Police Chief has indicated patrols will be stepped up and noted they have not encountered any problems.

Commissioner Boisvert questioned if the Town's plan is still to locate the boat ramp further south by the Wastewater Treatment Facility. Councilor Albert stated the plan he saw had it located there. He is uncertain of the size of the ramp.

Chair Perry reiterated the need for the project to be presented to the Town Council, and requested the Commission be provided with a copy of the blue prints.

Commissioner Rosati spoke of another scout who has questioned the ability to place a sign at a project indicating who constructed it, why, and when it was donated. The Commission was supportive of that.

Life Scout Dhanaraj questioned the Commission's preference for roofing materials. He is of the belief metal roofing would have a longer lifespan; however, existing kiosks are shingled. The Commission agreed with utilizing metal roofing understanding it has a longer lifespan. The hope is to have the kiosk constructed before the winter.

NEW BUSINESS

1. Horse Hill Nature Preserve – consideration to purchase signage

Chair Perry commented on the "no electric bikes" signage. The Sub-committee's proposal is to purchase three (3) signs; 12" x 18". Total cost, including shipping, is \$59.28.

MOTION BY VICE CHAIR CARON TO APPROVE THE PURCHASE OF THREE "NO ELECTRIC BIKES" SIGNS AT A COST OF FIFTY NINE DOLLARS AND TWENTY EIGHT CENTS (\$59.28)

Councilor Albert questioned the issue. Vice Chair Caron stated the issue to be more nationwide; the State is currently working on changing regulations for electric bikes on rail trails, etc. There are three classes of E-bikes. Class 1 are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph, Class 2 also have a maximum speed of 20 mph, but are throttle-assisted, and Class 3 are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph. The State has outlawed

all type 3 on everything but roads. They are considering outlawing them on the road as well. It is almost as fast as a car.

He spoke of the dangers to users of the trails if E-bikes and pedestrians come in contact on single track trails and the natural terrain (up/down hill, etc.). A lot of instances occurring throughout the country have sparked the changes in state regulations.

Chair Perry noted the Commission made the decision E-bikes are motorized vehicles. E-bikes are not permitted on parcels that don't support motorized trails. Commissioner Tenhave suggested additional signs be purchased, and that the Commission be prepared to place signage on other properties. It is possible there could be a discount based on volume. Town staff could be asked to place the order.

**AMENDED MOTION BY VICE CHAIR CARON TO APPROVE THE PURCHASE OF TWELVE (12) "NO ELECTRIC BIKES" SIGNS. SOURCE OF FUNDING IS FUND 53
MOTION SECONDED BY COMMISSIONER ROSATI**

ON THE QUESTION

It was noted the cost would be approx. \$200 if there is no price break for quantity.

**MOTION CARRIED
6-0-0**

OLD BUSINESS

1. Policy discussion regarding baiting on Conservation properties

Chair Perry noted he reached out to the individual who first contacted the Commission with a request to bait on Commission properties. There have now been two requests. He has not received a response.

The individuals were invited to this meeting and provided schedules for meetings of the Commission and Town Council along with information on how to request to be added to an agenda.

He spoke of the Chapter 111 update and suggested it may be a good time to address the issue of baiting. Commissioner Tenhave remarked it can be placed in Chapter 111 and cover all open space properties covered by the Chapter or a portion thereof. If the desire is to take a position on baiting at this time, the Commission can only take a stand on the properties owned by the Commission.

Chair Perry questioned the will of the Commission. The deadline for the permit application process has passed (August 1st). Councilor Albert suggested the discussion of prohibiting this activity be put on a future agenda to allow another opportunity for public comment. Chair Perry commented he was looking to understand the will of the Commission relative to this particular request given contact was attempted and this item was included on a published agenda.

Commissioner Tenhave remarked the Commission does not need to act on this at this time. He reiterated the window has passed, baiting should always require landowner permission, and this activity cannot occur without Commission approval. The Commission is working on Chapter 111, and

as that process moves forward over the next 6 months, this issue could be worked in. The update will include the Public Hearing process.

2. Grater Woods Ecological Inventory – Moosewood Ecological

Councilor Albert questioned whether an RFQ was sent out or if the proposal was the only one sought. Chair Perry stated that could be done. The Commission has utilized Moosewood Ecological for quite a bit of business in Town and has received good return particularly given Mr. Littleton's familiarity with the Town. He spoke of the quality of product received and the level of commitment to the community.

Chair Perry added he understood the project would be relatively small in nature. When larger projects are undertaken, a formal RFQ process is undertaken. Commissioner Tenhave noted, per the Town's purchasing policy, this falls under specialized skills. There is no requirement to undertake a formal bidding process for specialized skills. Commissioner Tenhave reiterated how familiar Mr. Littleton is with this property in particular.

Chair Perry commented he and Mr. Littleton discussed community outreach. He had not expected it to be included in the quote; however, it does cover the vernal pool party in the spring and a winter hike. Commissioner Rosati reiterated the value for the dollar that is received.

Chair Perry noted the cost of the Ecological Assessments includes the turtle radio telemetry (approx. \$2,000). Commissioner Tenhave spoke of the knowledge that was gained the last time they conducted the turtle radio telemetry. The Commission commented on looking forward to the output.

**MOTION BY COMMISSIONER ROSATI TO APPROVE THE CONTRACT WITH MOOSEWOOD ECOLOGICAL LLC IN AN AMOUNT NOT TO EXCEED THIRTY FIVE THOUSAND DOLLARS (\$35,000) FOR AN ECOLOGICAL INVENTORY OF GRATER WOODS AND AUTHORIZE THE CHAIR TO SIGN THE CONTRACT ON BEHALF OF THE COMMISSION. SOURCE OF FUNDING IS FUND 53
MOTION SECONDED BY COMMISSIONER TENHAVE**

ON THE QUESTION

The suggestion was made that the cost of the vernal pool parties be billed separately so that that portion could be paid through the educational line item in the Town budget.

MOTION CARRIED

6-0-0

3. Decision on public events & tentative dates for Conservation properties

Chair Perry commented he has not heard back from Professor David Bloniarz, President, ReGreen Springfield, regarding a presentation on invasives. He was looking to do something in August, but timing may be difficult now.

The woman who offered to provide a presentation on birds would like to do so in late September/October.

There will be a winter hike put on by Moosewood Ecological.

The date for the Wildcat Falls “Meet Your Conservation Area” has not yet been set.

The Grater Woods Sub-Committee has discussed a hike to be publicized by the Parks and Recreation Department as an opportunity to get to know Grater Woods. A date will be determined after the next meeting.

There being no objection, the Commission went out of the regular order of business to take up discussion of the Aquatic Resource Management (ARM) Fund).

5. Aquatic Resource Management (ARM) Fund

Chair Perry noted the information included with the agenda packet. An email exchange occurred with the Chair and Tracy Tarr, Senior Project Manager, GZA GeoEnvironmental. They spoke of GZA developing a “Top 10 ARM Project List” for the Commission. That would provide for shelf-ready projects for submission to the ARM Fund.

Ms. Tarr indicated GZA would provide a top 10 list with a full report as to how they chose a particular site, why they chose it, GIS information, etc. at a cost of approx. \$4,000. A basic report (absent GIS information) would be at a cost of \$2,500.

Chair Perry stated his opinion although a list would be helpful, he would like to understand how the list was created. He questioned the will of the Commission. Commissioner Boisvert noted there is no guarantee. Chair Perry agreed there is not; however, noted GZA has been very successful in getting projects funded.

Commissioner Tenhave commented they would look at projects that have received ARM funding and tell us what factors went into those decisions. Chair Perry stated his interpretation of the information provided was that GZA would look at Commission properties knowing what ARM uses in the decision process.

Commissioner Tenhave commented if they were going to analyze things that have been winning approvals they would end up with a list that the Commission could obtain. That would be the list they would then rank all potential projects in our Town against. Commissioner Tenhave noted although the projects would be identified, the cost associated with each would still have to be determined. Chair Perry stated that to be his belief.

Councilor Albert asked that clarifying information be provided for the viewing audience.

The Aquatic Resource Mitigation (ARM) Fund is an additional compensatory mitigation option available to wetland and stream permit applicants for impacts to wetlands, streams and other aquatic resources. This mitigation option is available for use after avoidance and minimization of impacts to aquatic resources is achieved. NHDES is authorized to collect mitigation funds in lieu of other forms of wetland mitigation as part of a wetlands application. ARM Fund payments are collected according to nine service areas and these areas can be reviewed at:

<https://www.des.nh.gov/organization/divisions/water/wetlands/wmp/documents/2018-arm-fund-service-areas.pdf>

NHDES holds and manages funds to be offered as grants for potential projects that will accomplish long-term environmental results. These projects must consider the service area goals and replace and/or protect wetland and other aquatic resource functions and values that were impacted by development projects in the service area.

A Site Selection Committee, made up of representatives from four state agencies and five non-governmental agencies, reviews ARM Fund grant proposals and recommends grant awards to the NH Wetland Council and a federal interagency review team (IRT) composed of the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, National Marine Fisheries Service, and the Natural Resources Conservation Service. Funds awarded must be approved by Governor and Council before being disbursed.

The proposed project will score highest if it provides resource restoration within the context of a protected buffer. NHDES encourages projects that provide connectivity to other protected resources or are in close proximity to the wetland impacts. Opportunities to provide benefit to rare resources such as vernal pools are also looked upon favorably. Applicants should highlight potential and confirmed vernal pools if possible. Proposals will be scrutinized for the likelihood of project success and the sustainability of the resource functions and values that are proposed for restoration, enhancement, preservation or creation. The key to success is the long-term protection of those wetland functions that are restored or enhanced. Where project scores are comparable, preference will be given to those projects that provide long term protection of the project area and its buffer or provide long term management to ensure the greatest environmental benefit from funds available.

The Commission had a project on Grater Woods Road. A proposal was put together and sent to NHDES. They denied it. The area was later walked with Ms. Tarr who quickly indicated it was not a project that would be accepted for grant funding. She explained the criteria associated with ARM Funds would not be met with the application submitted.

Chair Perry stated his understanding acceptable projects are those related to the protection or restoration of wetlands; can be anything from Town wells and water sources around them and just the surface water and flow. Vice Chair Caron noted ARM funds (\$26,000±) were received and utilized for the Red Maple Trail in Grater Woods.

What is being offered is an opportunity to have identified the areas/projects that are likely to result in successful applications to the ARM Fund.

Commissioner Boisvert questioned if GZA is looking only at Commission properties or other sites that should be protected. Chair Perry stated GZA would look at the Town. He explained when Town projects result in a disturbance to wetlands the resulting mitigation is either in a contribution to the Fund or an acceptable mitigation project within the Town. Rather than paying into the ARM Fund, which can be tapped into by the 9 service areas, the desire is to identify an offsetting project in Town.

Commissioner Tenhave provided the example of mitigation funds required as a result of the mall project. Those funds were used to purchase a parcel of Grater Woods, which was then donated to the Town. The stance of the Commission has been don't let the funds leave Town, let them be used to do something good in Town. This year, as there were no projects in Town that would result in mitigation, the Commission simply applied to the Fund.

Commissioner Rosati commented it is a complicated process, and the Commission had believed the application it put forward would be a slam dunk, and it was not. She stated her belief the \$4,000 is a good use of Commission funds and would allow the Commission to submit applications that were more likely to be successful.

The consensus of the Commission was to request a formal proposal be provided.

The Commission returned to the regular order of business.

4. Chapter 111 update

Commissioner Tenhave spoke of the preliminary list of properties that could be impacted by an update to Chapter 111, which was provided to Town staff for input. Three adjustments have been recommended: 1) Line 120, back lot to Baboosic Brook - feedback was that the property should be under the Conservation Commission, 2) Lines 155 & 156 - parcels by Railroad Ave. and Front Street; one is a Wastewater Treatment Facility pump station, which means it has a physical improvement on it and not an open parcel and should not be considered for Chapter 111 (remain with Town) and the other is managed by the Land & Water Conservation. It is related to the Depot Street boat launch, which is improved and managed by others.

The Commission expressed agreement with the proposed changes.

Councilor Albert questioned if the Railroad Ave. site includes the old Jones Chemical lot, which has been demoed. Commissioner Tenhave replied they would have to dig into exactly where that parcel ID is. It was identified as being a pump station. Commissioner Rosati commented that is the parcel that is not included in the GIS system.

Commissioner Tenhave stated he would embed the comments into the document and revise it. In accordance with the phase plan, it is now at the point of looking into the Deeds, Easements, etc. for the properties identified. The Library has offered to conduct the research. The Commission expressed its gratitude to the Library for the offer of assistance in this regard. Commissioner Tenhave stated he would reach out and would walk through one or more of the parcels with them to ensure everyone is on the same page.

Once that information is known, the Commission will have to identify whether any of the parcels fall into a particular category. We know there are a number of parcels having conservation easements with likely very similar wording. With those, will come certain restrictions that should be codified, e.g., motorized use, hunting.

Commissioner Tenhave commented the thought of baiting is a whole new concept. He requested the Commission consider whether there are other things that have broad enough appeal or desire that should be included in Chapter 111.

Commissioner Tenhave stated, per the plan, he will forward a copy of the updated version of the list to the Town Council to allow for feedback. It was suggested the Sub-Committees be kept aware of the Commission's progress in this regard.

OTHER BUSINESS

- Discussion on communications or correspondence received concerning regulated MCC activities and any issues concerning MCC managed lands
- Sub-committee Updates

Wildcat Falls

Summer Clean-Up took place on July 28th. Commissioner Rosati noted and thanked the community and Commission members who participated.

Councilor Albert commented Elizabeth Petrides brought up, and he was able to see, the erosion on the fire road and trails. He had a conversation with the Town Manager earlier in the day. Director Fox sent a member of his staff out. They are going to clean up the rutting and erosion during the week. Commissioner Rosati thanked him for following up on that. Ms. Petrides had emailed her earlier in the day indicating the PWD was out looking at the area.

Chair Perry questioned the status of the cable on the fire road (near sand pit). Commissioner Tenhave commented the area was a gravel pit used when the F.E. Everett Turnpike was constructed years ago. Commissioner Tenhave commented the right thing to do is to create ways to stop the velocity (create barriers so the water has to slow down before it gains a lot of speed). He recommended placement of a waterbar or a few into the pathway to slow the water. That could be done with embedding a log into the road and creating a stop. Absent that, there will be the need to continue to address the issue. Councilor Albert indicated he would make the department aware.

Commissioner Tenhave spoke of the desire to express the gratitude of the Commission to all who were involved with the clean-up. Councilor Albert commented on the number of people who have expressed had they known of the event they would have participated.

Horse Hill Nature Preserve

Commissioner Rosati noted Commissioner Glenn had provided her information, and requested she motion to appoint Bruce Peterson as a full member of the Horse Hill Nature Preserve Sub-committee.

Vice Chair Caron spoke of having done a few projects with Mr. Peterson. He is a resident who is very active in the HHNP. He is always willing to lend a hand and is getting to know the lay of the land very well. Mr. Peterson has been serving as an alternate member for the past 6-7 months. With a spot becoming open, he has expressed an interest in serving in that role.

MOTION BY COMMISSIONER ROSATI TO APPOINT BRUCE PETERSON AS A FULL MEMBER TO THE HORSE HILL NATURE PRESERVE SUB-COMMITTEE FOR A TERM TO EXPIRE JULY 31, 2021

MOTION SECONDED BY COMMISSIONER BOISVERT

MOTION CARRIED

6-0-0

Vice Chair Caron noted the terms for both the Ex officio member and full-time member, Andrew Duane, have expired.

MOTION BY COMMISSIONER ROSATI TO RE-APPOINT ANDREW DUANE AS A FULL MEMBER AND GINA ROSATI AS THE EX OFFICIO MEMBER OF THE WILDCAT FALLS SUB-COMMITTEE WITH TERMS TO EXPIRE JULY 31, 2021 AND JULY 31, 2019 RESPECTIVELY

MOTION SECONDED BY VICE CHAIR CARON

MOTION CARRIED

6-0-0

MOTION BY COMMISSIONER TENHAVE TO APPOINT CINDY GLENN AS THE EX OFFICIO MEMBER OF THE HORSE HILL NATURE PRESERVE SUB-COMMITTEE FOR A TERM TO EXPIRE JULY 31, 2019

MOTION SECONDED BY VICE CHAIR CARON

MOTION CARRIED

6-0-0

Grater Woods

Vice Chair Caron remarked there were quite a few whose terms were expiring who have indicated an interest in continuing to serve.

MOTION BY VICE CHAIR CARON TO RE-APPOINT TO THE GRATER WOODS SUB-COMMITTEE, NATHANIAL FAIRBANKS, STEVE DESILETS, AND STEVE MARBLE AS FULL MEMBERS WITH TERMS TO EXPIRE JULY 31, 2021 AND STEVE BACHAND AS AN ALTERNATE MEMBER, SHANNON BARNES, AS THE SCHOOL BOARD REPRESENTATIVE, AND GAGE PERRY, AS THE EX-OFFICIO MEMBER, FOR TERMS TO EXPIRE JULY 31, 2019

MOTION SECONDED BY COMMISSIONER TENHAVE

MOTION CARRIED

6-0-0

Commissioner Rosati noted Jack Elliott, Eagle Scout candidate, has begun construction of the observation deck at Grater Woods. She notified the Police Department of the activity and that the gate would be unlocked. He has requested, when the project is complete, that he be permitted to install a plaque on the observation deck that would read Eagle Scout Service Project presented to..... By Jack Elliott with his troop # and date. Vice Chair Caron suggested the plaque indicate the project was presented to the "People of Merrimack".

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [July 16, 2018](#)

The following amendments were offered:

Page 2, Lines 11 & 12; capitalize "Outdoor Classroom"

Page 3, Line 38; replace "August 1st" with "August 6th"

Page 5, Line 15; replace "success the" with "the success"

**MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED
MOTION SECONDED BY COUNCILOR ALBERT
MOTION CARRIED
6-0-0**

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Tenhave spoke of the recent Town Council Retreat and questioned if anything related to Commission activities came up that the Commission should be aware of. Councilor Albert stated a good deal of discussion occurred around Watson Park and some of the things occurring there over the next year and the trail going underneath the Chamberlain Bridge. The formal notes from the Retreat are expected shortly.

Commissioner Boisvert spoke of outreach efforts for participation on the Sklar Waterfront Subcommittee. He is aware of two people having interest. He requested any members of the community interested in serving in this way contact the Commission.

He questioned the status of signage. Vice Chair Caron responded proofs were provided and a quote is being written up.

Vice Chair Caron spoke of having assisted the Amherst Conservation Commission with a 60' bridge project having steel I beams. It was all installed with manpower. Remaining after the project was complete were two 60' steel I beams. The Commission has been offered the beams but would have to be able to transport them to a suitable location. When asked if there is a time constraint to indicate an interest, Vice Chair Caron stated his belief there is some time available. Chair Perry indicated he could store the beams. Vice Chair Caron indicated there are a few contractors who have offered their assistance with this type of situation. The beams are currently sitting next to an excavator and could be placed on a flatbed pretty easily.

The Consensus was to accept the generous offer and consider locations of future bridge projects to avoid having to transport the material more than once.

The need for permits in certain locations must be consider (unless bank to bank and outside of the Do Not Disturb buffer). Commissioner Tenhave spoke of a location on the Loop Trail at the HHNP that could use a bridge (the one past the beaver pond) that continually has to be maintained and moved.

Commissioner Tenhave noted he had no update to provide on the website as he has not had the opportunity to follow-up on it.

Chair Perry spoke of the interesting readings he has come across resulting from his interest in the activities of the Commission. He stated a desire to share the information with the public and to have a Library page on the website where information on books could be shared.

ADJOURNMENT

MOTION BY COMMISSIONER TENHAVE TO ADJOURN

MOTION SECONDED BY VICE CHAIR CARON

MOTION CARRIED

6-0-0

The August 6, 2018 meeting of the Merrimack Conservation Commission was adjourned at 8:25 p.m.

Submitted by Dawn MacMillan