



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

JANUARY 9, 2017

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, January 9, 2017 at 6:31 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Michael Boisvert
Cynthia Glenn
Tim Tenhave, Alternate Member
Gina Rosati, Alternate Member

Members of the Commission Absent: Councilor Thomas Mahon

Also in Attendance:

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Duck Boxes

Commissioner Glenn stated Lynne Wenz has two duck boxes that can be put up. Chairman Perry commented on having 1 or 2. He noted this is the time of year you would typically look to put them out; pond is clear, there is no snow on top, and the expectation would be that the water is frozen. However, given the expected temperature in the coming week it may not be the ideal time for placement. The matter should be taken up again when the weather is more conducive to placing the boxes.

Chairman Perry questioned if the original map of the box locations could be provided to Sara Siskavich, GIS Manager, Nashua Regional Planning Commission (NRPC), so that a layer could be added to the mapping the NRPC is doing for the Commission. Vice Chairman Caron suggested more detailed information be gathered when the existing boxes are serviced and the new boxes put up. He noted there are three (3) boxes located in Lastowka Pond, two (2) in Long Pond, three (3) in White Pine Swamp, two (2) at Greens Pond, and a total of four (4) at Grater Woods; one under the ice, one around the back side (pond with beaver hut and observation deck), two in the layer above that, and one in the layer above that. The existing paperwork indicates four in Greens Pond; however, only two could be identified.

Vice Chairman Caron commented on individuals who have maintained the boxes, e.g., changed bedding, etc., and suggested they be kept informed of the Commission's activities in this regard.

2. Seedling Give-A-Way: Commission to discuss what is to be purchased for the 2017 event

Chairman Perry spoke of the list provided (copy attached). The proposed purchase is in line with the amount expended in prior years. It was noted the Maples and Pines tend to be the least desirable. Chairman Perry commented last year the Commission discussed the increase in maple sugaring, which diminishes the lifespan of the trees, and included Sugar Maples in the seedlings purchased. The thought was to do that again this year.

Commissioner Boisvert stated his belief the Songbird/wildlife package will be popular. It was noted there are 5 of each in a package, and the proposed purchase would result in 20 of each plant. The way the seedlings are grouped for sale, a quantity of 50 is where the first price break occurs. Chairman Perry questioned the will of the Commission with regard to the number and type of seedlings to be purchased. Commissioner Tenhave stated he was pleased with the list as presented. He commented Scotch Pines are not that common, and if there are some remaining they should be concentrated in an area creating a Scotch Pine grove on one of the properties.

The suggestion was made to remove the Red Oak from the list and add two (2) additional Songbird/wildlife packages.

MOTION BY COMMISSIONER CARON TO APPROVE THE PURCHASE OF THE SEEDLING LIST, AS AMENDED. SOURCE OF FUNDING IS FUND 53
MOTION SECONDED BY COMMISSIONER TENHAVE
MOTION CARRIED
6-0-0

Chairman Perry stated the need to adjust the method used to retrieve the seedlings. Mrs. Currier has graciously offered the continued use of Currier Orchards as the location for the seedling giveaway. The intent would be to continue to conduct the giveaway in the Mothers' Day timeframe.

3. Moosewood Ecological Trail assessment for HHNP – Invoice

Chairman Perry stated Jeffry Littleton, Moosewood Ecological, LLC, has completed the trail assessment. Additional time was spent reviewing the proposed re-routing of the trail. A request has been made for compensation for that additional work (\$225.00).

MOTION BY COMMISSIONER TENHAVE TO APPROVE PAYMENT OF THE INVOICE IN THE AMOUNT OF TWO HUNDRED TWENTY FIVE DOLLARS (\$225.00) TO MOOSEWOOD ECOLOGICAL SERVICES, LLC FOR SERVICES RENDERED. SOURCE OF FUNDING IS FUND 53
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
6-0-0

Commissioner Tenhave noted the deliverables for the project included hard copy of the final report and a GIS map, and questioned if those items have been received. A copy on a CD is acceptable, understanding that could be printed and filed. Chairman Perry will follow-up.

4. Invasives Study

At its December 5th meeting, the Commission discussed the Botanist, Chris Kane, conducting a study at Gilmore Hill. Commissioner Tenhave noted it is simply a matter of waiting for weather conditions to be more favorable. Mr. Kane had stated concern around a particular trail. Vice Chairman Caron remarked Mr. Kane generalized the trail as a mountain bike trail, but he believes it to be a quad trail that comes from the Fish & Game Club. He noted the Fish & Game Club is logging that entire area, and there is not much remaining. Vice Chairman Caron stated a boundary was clearly marked. He is uncertain whether or not the boundary is accurate not being familiar enough with the area. He commented on his belief a trail located on Commission property was traveled by the skidder on its way to the Fish & Game property.

5. Map Review

Chairman Perry noted Ms. Siskavich, NRPC, provided an updated draft of the map for the HHNP. He spoke of the width of the trails identified; particularly on the bike trails that switch back a lot. In the areas where they get close, they look like one trail because the border disappears. Vice Chairman Caron commented for the connector trails (marked in black), it appears they may have used a different line type to identify the area. That may be a solution to avoid the appearance of trails intersecting where they do not.

Chairman Perry requested Commissioners review the updated draft, and provide any comments. Commissioner Tenhave questioned, and was informed the HHNP Sub-Committee was provided with a copy of the original submission. Members will be provided with the updated draft. The sub-committee meets again in a week. Commissioner Glenn has not received any comments to date.

NEW BUSINESS

1. Review of proposed Beaver protection legislation

Commissioner Glenn spoke of the draft bill, which would amend RSA 210:9 to require pursuit of non-lethal methods in addressing situations involving beaver. It would also require NH Fish & Game to promote non-lethal methods such as flow devices.

Commissioner Glenn spoke of the study the Commission solicited through GZA GeoEnvironmental, Inc. (GZA), which concluded lethal methods to address situations created by beavers is nothing more than a temporary solution. The direction the Commission has taken, as recommended by GZA, is a longer-term solution.

Endorsements are being sought for the Bill. Commissioner Glenn questioned the will of the Commission. Commissioner Boisvert commented the wording of the Bill is in line with the direction the Commission has taken. He questioned the inclusion of private property, and remarked that is difficult. Chairman Perry stated agreement. Commissioner Glenn noted the legislation is relative to the protection of beaver impoundments. She does not believe it would prohibit trapping. Chairman Perry commented a hunter would not be concerned about flow, and questioned if the legislation would prohibit hunting on private property. Commissioner Glenn stated her belief trapping for furbearing is addressed under a different RSA. Commissioner Rosati noted reference to RSA 210:8.

When asked, Chairman Perry indicated the requirement for a licensed trapper when trapping beaver; unless you are a homeowner dealing with issues on your own private property. In that instance, there are no licensing requirements with regard to beaver impoundments. He added, a private homeowner with a situation on his/her property, could be sued if causing a problem on someone else's property because of not addressing a beaver situation.

Commissioner Boisvert stated he likes the encouragement to follow the guidelines outlined, but stated concern with regard to what the unintended consequences could be for private landowners. Vice Chairman Caron reiterated the proposed legislation is intended to address beaver impoundments, e.g., beaver dams. Chairman Perry spoke of concern with the ambiguity in general and provided the example of the dam behind the Middle School; if a group of people were shown that dam some would state a belief it was broken by individuals and just as many that it broke on its own. He questioned how that would be determined and enforced. He added the Commission/Town clears away all sorts of wood debris across inlets all over Town; is that put there by a beaver or there from flow? The amount of ambiguity and enforcement ability concerns him.

Vice Chairman Caron commented this past week he was out on the Loop Trail. It was completely flooded. He pulled down a layer of the dam and applied some of that to a wall that protects the trail. According to the proposed legislation, he would not be allowed to do that without a permit. He would have had to seek permission to protect the trails on Commission property. The proposed legislation states in part: "No person shall destroy or disturb or interfere in any manner with the dams or houses of beaver, without first obtaining a special permit from the executive director."

Commissioner Rosati stated concern such legislation would not be adhered to, would not necessarily be known by private citizens, and would be difficult to enforce.

Chairman Perry noted there is an RSA in existence, and what is being attempted is to change existing language. Commissioner Rosati stated her impression it appears as though the intent is to remove protection of beavers and focus on impoundments.

Commissioner Tenhave commented the last time the Commission submitted a letter in support of legislation or regulation it was to join other conservation commissions. He stated hesitancy with joining a group he is unfamiliar with. He would be more inclined to support other conservation commissions or for the Commission itself to submit its own view to the appropriate legislators/committee.

Commissioner Glenn will track the legislation, and keep the Commission informed.

OTHER BUSINESS

- Website Upgrade

Commissioner Tenhave stated the new site has launched. He has run it from mobile devices, his iPad and different computers. It appears to work as desired. Chairman Perry commented he is pleased with the site. Commissioner Boisvert agreed. He spoke of having received positive feedback from individuals he provided the link to.

Commissioner Tenhave remarked comments that lead to updates, changes, etc. should be tracked. What is coming next from Ms. Wetherbee is a proposed contract for quarterly updates.

The Commission discussed the variety/number of photos that could be added to the website; perhaps under a separate heading. Commissioner Tenhave stated he would question if Ms. Wetherbee would like to have a general photo section on the main page. He informed the Commission Ms. Wetherbee is putting together some tutorials that will provide guidance for Commissioners wishing to perform minor edits to the site.

- 25th Annual Winter Carnival - Merrimack Parks & Recreation Department is planning for the event. It will be held on Saturday, February 25th from 12:00 - 3:00 p.m. at Wasserman Park.

Chairman Perry stated the item to be intended as informational. In the past, the Commission has participated by manning a booth at the event. He requested Commissioners interested in participating make him aware of that desire.

- Discuss the Land Conservation Investment Program

Commissioner Boisvert suggested the Commission begin the process of meeting to put together grant applications. Commissioner Tenhave stated the need to understand any requirements that come with potential grant applications. In the past, that issue has been controversial. He used the example of the LCIP grant that was utilized to purchase the Wasserman Park; a lot of people don't have the desire to use that kind of program because of the associated restrictions. LCHIP is the current version of that program. LCHIP funds were not used to purchase the HHNP because the Selectmen at the time did not approve of the requirements that went along with it.

Commissioner Tenhave requested a spreadsheet identifying potential grant opportunities, details of what grants can be utilized for, deadlines for submission, and associated requirements under acceptance. Commissioner Rosati stated the information is available; however, requires updating.

Commissioner Boisvert stated the pre-proposal applications for the New Hampshire Department of Environmental Services' New Hampshire Aquatic Resource Mitigation (ARM) Fund are due in March. Other possible grants include the New Hampshire Land Community Heritage Investment Program (LCHIP), New England Forests and Rivers Fund, National Fish and Wildlife Federation, New Hampshire Moose Plates, Rivers, Trails and Conservation Assistant Program, etc. Commissioner Boisvert stated the March/April timeframe to be a popular one for grant submission, and suggested the Commission look to

complete its decision making/application(s) by March. Application submissions will require specifics on desired projects, etc.

Commissioner Tenhave stated his recollection of two projects the Commission has openly discussed; Grater Woods South Grater Road relocation and the Fields Farm canoe launch.

Commissioner Boisvert spoke of a listing of potential grants that could be provided to the Commission noting there are other grant opportunities that he found to be too cumbersome or too competitive for the amount of dollars available. As a result some were left off the list.

Commissioner Tenhave informed the Commission the Town has pushed the Seaverns Bridge repair out a year. It is now being considered for FY19. He suggested the Commission push the Fields Farm canoe launch project out a year and concentrate on the relocation of South Grater Road/extension of Gateway Trail. There is the need to coordinate with the Public Works Department as to when the department would be prepared to provide the necessary supporting information required for the application (initial and long-term). Commissioners Boisvert, Rosati, and Tenhave will look to meet on Friday the 13th to review the particulars involved in a grant application.

- Sub-Committee updates

Commissioner Glenn stated the HHNP Sub-Committee will meet on Monday, January 16th at 7:00 p.m. Chairman Perry suggested, in light of the holiday and Town Hall being closed on that date that she verifies access to the building will be available.

Commissioner Glenn questioned if the maps that are being created by the NRPC would be approved individually or as a group; if she should request members of the sub-committee come prepared to comment on the amended draft. Chairman Perry remarked he sees no reason why each of the maps would not begin to be utilized upon completion.

Commissioner Tenhave stated the Wildcat Falls Sub-Committee will meet next on January 24th, and stated his intention to review the map with the sub-committee. He noted the list of trails on the GIS site that the NRPC put together include trails the sub-committee wished to close down and discontinue maintaining. He stated the desire to understand the will of the sub-committee with regard to how to move forward, e.g., making the trails official trails or removing some of the trails identified by the NRPC. When the map was last approved the consensus was to remove the trails. Having spent time in Wildcat Falls last week, he noticed those unapproved trails continue to be utilized even in the winter months. He would expect to be able to bring the sub-committee's recommendation back to the Commission.

The sub-committee will also continue discussing the birding opportunity. Commissioner Tenhave spoke of having received a note from Chris Christensen, who is aware of a resident who has also done birding and may be able to provide assistance. He will follow-up.

Vice Chairman Caron stated the Grater Woods Sub-Committee will meet on January 17th. The preliminary map of Grater Woods as well as the updated draft map of the HHNP will be shared with the sub-committee.

Vice Chairman Caron noted the most recent update is the layout that has been started for the trail that runs from Silverfish up to the outlook. Members of the sub-committee have or are in the process of reviewing the trail.

Chairman Perry stated the need to do something with the Outdoor Education Center. The benches are old and in a state of disrepair. In its current condition it is not a viable option for use by the school.

- Souhegan Sustainability Fair

Chairman Perry stated the item to be informational in nature.

- 2017 Meeting Dates

The 2017 meeting dates have been distributed to the Commission and posted to the website.

- Wildcat Falls

Commissioner Tenhave spoke of a recent walk during which he noted areas where users are shortcutting trails. He put down some vertical and horizontal mulch to try to prevent that. The benches that the Loverme Foundation put up are very nice and well placed. It does not appear, at this point, that any brush clearing has been done on the powerlines this year, but does appear that it was done recently. He is uncertain if that activity will occur this year.

Commissioner Tenhave spoke of a tradition of his to walk within Wildcat Falls on New Years' Day, and commented on the number of people he came across this year. He remarked he left the Commission property and walked on the State property along the highway side to get an idea of the level of use in that area. It is clear the snowmobiles have been out. Although he did not follow the tracks to the point of origin, he suspects it is the same individual(s) that have used those trails over a number of years. No abuse was apparent. He was surprised by the decreased amount of deer sign.

Commissioner Tenhave commented in the area of Grater Woods referred to as the donut hole, considerable logging has occurred. It looks as though they have left enough trees so that they will regenerate.

Vice Chairman Caron remarked coming up from the Merrill's Marauders Bridge, it used to be that you would come straight up along the river and traverse straight up the hill. Now you go up and take a 90 degree right and head up. Some users continue to go up straight, which is really washed out. The right-hand turn is starting to erode. There is no third option. It is time to address the necessary work in that area. There will be a cost involved. Commissioner Tenhave noted the property is not that of the Commission. The New Hampshire Department of Transportation (NH DOT) will want to be involved given its proximity to the highway. He stated a willingness to reach out to the NH DOT, and make them aware. When asked, he noted they are open to giving access or ownership of the property, but are waiting for the highway to go three lanes all the way through. A plan has been presented to begin that work in the next couple of years.

- HHNP

Vice Chairman Caron commented on his belief the sub-committee chose not to re-route the Loop Trail where the beaver issue is occurring. Chairman Perry responded the contractor provided a path forward, and the sub-committee was going to proceed in that direction. He questioned if the clean-up took place, and was informed it did not. Vice Chairman Caron remarked what has happened is users have built another trail. Chairman Perry commented if that work is not going to get done, something has to be done about it. Putting a flow device in that location is not worthwhile as the beavers will simply dam up the other side.

Vice Chairman Caron stated what occurred is the trail flooded and then froze. If wanting to walk on that you would fall into the water. Users put sticks and other debris on the trail and constructed another trail. He stated he tried to wall off the area so that it would no longer flood, e.g., used the beaver dam to construct another dam. The dams are significantly higher than the last time he had seen them. He commented he was removing wood from the dam and walking over to the trail with it as the beaver, 20' away from him, was rebuilding the dam.

Commissioner Glenn stated her belief the last discussion the sub-committee had on the subject was that everything was going to freeze and nothing could be done until the spring. Chairman Perry responded the water will not freeze. There will be a crust on the top, but there is enough flow to prevent freezing. Vice Chairman Caron added the beaver activity keeps it open. The water was touching the bottom of the bridge and the pond below is at the highest level he has ever seen it at. Chairman Perry commented it may be that a device could be placed in the pond.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. December 19,
2016

The following amendments were offered:

Page 1, Line 48; replace “Mitchel” with “Mitchell”
Page 2, Line 7; replace “\$6.500” with “\$6,500”
Page 4, Line 38; delete “remarked”
Page 4, Line 42; replace “Fisher Cats” with “Fishers”
Page 4, Line 47; replace “organization” with “organize”

**MOTION BY COMMISSIONER GLENN TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED**

6-0-1

Commissioner Rosati Abstained

PUBLIC COMMENT – None

COMMISSIONER COMMENTS

Commissioner Tenhave commented on the Public Hearing conducted the prior Thursday relative to the Souhegan River Trail. He and Vice Chairman Caron attended. The discussion was around creating an ADA compliant trail that leaves Watson Park and goes all the way to the pedestrian bridge by the F.E. Everett Turnpike. The majority of the discussion was about how they would get under or over the bridge and the desire of the public, which was expressed as under the Chamberlain Bridge. Vice Chairman Caron brought up a really good point; if it comes down to funding and what could be gained through grants, etc., that they should abandon the idea of making it ADA compliant all the way leading to the turnpike because once you reach the Merrill's Marauders Bridge it is all non-ADA compliant. The project is moving forward and scheduled, if approved, to commence in 2018.

ADJOURNMENT

**MOTION BY COMMISSIONER GLENN TO ADJOURN
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED**

6-0-0

The January 9, 2017 meeting of the Merrimack Conservation Commission was adjourned at 8:19 p.m.

Submitted by Dawn MacMillan