



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

MARCH 7, 2016

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, March 7, 2016 at 6:36 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Michael Boisvert
Cynthia Glenn
Gage Perry
Gina Rosati, Alternate Member
Councilor Jody Vaillancourt

Members of the Commission Absent:

Also in Attendance: Kyle Fox, Town Engineer/Deputy Director, Public Works
Department

The Commission currently has open positions; 1 full-time and 1 alternate. Individuals interested in serving on the Commission should contact Becky Thompson in the Town Manager's Office.

Chairman Tenhave reminded the viewing audience the School District Deliberative Session would be conducted on Tuesday, March 8th and the Town's Deliberative Session on Thursday, March 10th.

PUBLIC COMMENT - None

APPOINTMENTS

Public Hearing

In accordance with RSA 36-A, The Commission will hold a public hearing to discuss a potential land donation of a parcel of land known as Tax Map 6B-159. This parcel is located near Brookside Drive, Klara Drive, Bean Road, and Jakes Lane. Baboosic Brook flows through the middle of this property. All interested parties are encouraged to attend. Following the public hearing, the Commission will take action on whether or not to continue the donation process.

Chairman Tenhave provided a PowerPoint [Presentation](#). The Commission operates under RSA 36-A, and has the power to acquire land in the name of the Town, subject to the approval of the local governing body. A requirement of RSA 36-A:5 is that a properly noticed Public Hearing be conducted. Chairman Tenhave stated the hearing was properly noticed.

The parcel in question is known as Tax Map 6B-159, which is approximately 5.25 acres. A Title search was completed by legal counsel. The Title is clean. The parcel is landlocked. However, there is access off of Klara Drive.

The parcel is being donated by a brother and sister who enjoyed the property while growing up in Merrimack. It came to them through their parents. The Commission intends to utilize Conservation Fund #53 to cover costs associated with recording fees, Town attorney fees, current and back taxes, and any other related costs. Total expenditure is expected to be far below \$2,000.

Chairman Tenhave noted at one point the title alluded to access to Bean Road from the parcel. Research was conducted as far back as could be found online through the Hillsborough County Registry of Deeds and the exact origination of that could not be identified. In order to dig deeper someone would have had to go to the Registry of Deeds to go through the books from the early 1900s, which was determined would not be cost effective. There is great access from the Town owned parcel. The Town's assessment of the property, for tax purposes, is \$18,400. The property is being donated, as is, for conservation purposes. There will be a conservation restricted Deed similar to what the Commission has done on many parcels over the past five years.

The parcel would expand the Town's protection of Baboosic Brook, enable the Commission to do further control of the water levels and their impacts from wildlife, and enable the Commission to help reduce the invasive species prevalent along this portion of Baboosic Brook.

Chairman Tenhave stated the Commission believes this to be an appropriate use of funds, and expressed gratitude to the individuals donating the land.

Commissioner Perry commented the Commission is actively managing the beaver population in the area. This area is also the one location in Town where photographs have been taken of Bobcat. It was noted the area has not been logged in quite some time, although there are quite a few logging trails still visible. Chairman Tenhave commented on having received an email from the Commission's Forester informing him the Trustees of the Trust Fund have asked him to provide a proposal for forestry work on Watkins Forest. He questioned if there was work the Commission wished to have done on its portion of the property to take advantage of economies of scale. The Merrimack Village District (MVD) is considering placement of a well in the area.

The floor was opened for public comment

No one from the public expressed a desire to speak.

MOTION BY COMMISSIONER PERRY TO ACCEPT THE DONATION AS PRESENTED, AND THAT FUNDS FROM FUND 53 BE UTILIZED TO COVER ALL ASSOCIATED FEES
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
7-0-0

It was noted the item is on the agenda for the Town Council's meeting of March 24, 2016.

STATUTORY/ADVISORY BUSINESS

- 1. Wetlands Dredge and Fill Permit review for the Town of Merrimack** - Commission to review and potentially provide comments to NH DES for a Dredge and Fill permit filed by the Town of Merrimack related to the reconstruction of the Veterans Park boat ramp.

Kyle Fox, Town Engineer/Deputy Director, Public Works Department (PWD), stated a Wetland Application has been submitted to the New Hampshire Department of Environmental Services (NH DES) for work in Naticook Lake, which will result in upgrades to the Naticook Lake Boat Ramp. The Boat Ramp is located in Veterans Park. For many years it was a gravel road down to the lake. A few years ago the PWD put some small riprap stone in place to try to stem the tide of some of the erosion that was occurring. That was somewhat effective although it certainly made it difficult for smaller cars to navigate. The PWD was asked to come up with ideas to improve the boat ramp. The plan consists of taking out the riprap stone, placement of precast concrete slabs that link together and provide for some movement as the ground shifts both in the water and somewhat out of the water, and pavement of the remainder of the slope out of the water. The impervious area will actually be lessened because the hard packed gravel that is there today, which is nearly impervious, is about 20' wide. The paved area will be 10' wide and the remaining area will be loamed and seeded to create a swale to treat the stormwater coming off the road.

The goal is to control erosion on a more permanent basis; keeping the eroded soils out of the lake is good for the lake, e.g., reduces phosphorous levels, etc. Another goal is improved access. The project itself has less than 300 sq. ft. of impact to the lake; working in the area already established as the boat ramp and impacts are limited to work in the water. To protect the lake during the project, the contractor will have to put a silt curtain in place. The project should only take a few weeks to complete. Assuming the NH DES approves the Permit, the PWD will go out to bid, and hopefully have the project completed this year.

Commissioner Perry questioned if the intended use of the interlocking concrete is an existing use of that material, and was told it is a technology that has been used on boat ramps extensively.

Chairman Tenhave commented this project has been discussed for several years, and the ramp is the primary access point for emergency access to the lake. He spoke of materials that have entered the lake over the years. When asked, Deputy Director Fox stated the only material that would be removed from the lake is that which will be replaced with new material. They are not overly dredging the lake in an effort to remove materials that have entered previously. The intent is to replicate what is there with as minimum an impact as possible.

The area will be excavated (approx. 18"), Geotextile fabric will be put in place to keep the natural soils below, and ¾" clean stone will be put in, which is what the concrete slabs will sit in. There is heavier stone at the bottom to keep the panels from sliding further into the lake.

Chairman Tenhave commented coming up from the lake the area rises and meets the road. The location of the ramp is a low spot in the road, which then becomes steep both to the north and south. If asphalt is not placed far enough up the road, periods of rain will carry material all the way down. Deputy Director Fox stated the answer to the question of how far the asphalt will go will depend largely on bid prices received. The hope is to pave Brundage Way up to the crest of both sides of the boat ramp. Ideally they would like to reshape the road pointing away from the lake so that runoff goes to the other side, and perhaps put some leeching basins in on that side to try to infiltrate as much storm runoff as possible. Whether that takes place as part of the initial project or has to happen later will depend on the bid prices.

Chairman Tenhave commented as stewards of the water resources and a property owner on the lake, the Commission might want to consider assisting the cause. He questioned the will of the Commission with regard to requesting Deputy Director Fox return to the Commission should funding not be sufficient to complete the road improvements. Commissioner Perry stated he is interested in the project; however, expressed a desire to get away from being considered as an additional funding source. Chairman Tenhave stated his concern to be with ensuring the water that comes down the roadway is managed. He remarked he is unsure if loam and seed will hold back the water that doesn't go down the pavement. He questioned if there should be a series of riprap or something else in place to slow the velocity of water. Deputy Director Fox responded, once established, it should hold just fine. When the contractor is doing the work they will be asked to put out the coconut matting, which really stabilize the area and promotes growth.

Chairman Tenhave commented often times users will drop their boat, go 2/3 of the way up, and then veer off to the left towards the parking area. It may be necessary to be creative to get users to stay on the asphalt with their trailers. Deputy Director Fox responded if it becomes an issue, delineators could be put in to try and persuade.

Chairman Tenhave noted, because the application is for a Dredge & Fill, the Commission has the opportunity to provide the NH DES with comments. He questioned the will of the Commission. Commissioner Perry re-stated there is presently a great deal of material making its way into the lake, which would be reduced by completion of this project.

OLD BUSINESS

1. Target Shooting Ordinance

Commission to review inputs from others and decide on a course of action. Commission to also discuss what action it may want to take in regards to signs or other things for the properties it currently owns while working through the draft ordinance.

Chairman Tenhave noted the Commission worked on the ordinance late last year. Input on a draft ordinance was received from the Town's attorney. The Commission forwarded the draft to the Town Council and School Board for feedback. Legal counsel expressed some concern noting State law, RSA 159:26 does not allow the Town to pass/enforce a target shooting ban even on Town owned property. Legal counsel went on to State as landowner, the Town can post its property and regulate what activities do and do not occur. The Town could take the stance, as a property owner, it has certain rights.

Chairman Tenhave noted RSA 159:26 calls out RSA 207:59, which states in part: "Nothing in this section shall be construed as affecting a political subdivision's property rights concerning land owned and controlled by that entity." There is an avenue there, although not as clear cut as most would like.

Chairman Tenhave commented, during the process, the Commission became aware of the Gun Free School Zone Act, which is a Federal law prohibiting the discharging of a firearm within 1,000' of a school property. Digging deeper, it turns out it is property that has school improvements on it, whether a building, fields, etc.

Commissioner Perry questioned if the comment is that it can't just be an undeveloped piece of property or is it a not used piece of property. Chairman Tenhave responded it is not as clear. To take the conservative route, it can't be an undeveloped piece of property.

Councilor Vaillancourt stated the way she takes that is the Federal law wouldn't apply to an undeveloped piece of property, however, the School District being the owner of the property could post the property the same way the Town can. She stated the School District has a couple of pieces of property that are undeveloped, but not a lot.

Chairman Tenhave commented he has read opinions about this law and the types of properties. It seems to be clear in a few places that private property within the 1,000' range is not covered by this because as a private property owner you still have rights on your own property. For the Commission, particularly around the Middle School, 1,000' off the edge of that property line goes deep into Grater Woods; could go out close to South Grater Road. He suggested a GIS map could be made delineating the 1,000' boundary all the way around. It certainly covers the area near the Outdoor Education Center and across the meadow all the way down to Old Blood Road.

It was reiterated the way it has been interpreted, it is the boundary of the school property not the school itself. It would be too hard to catch it off the corner of a building, and then there are soccer fields, baseball fields, etc. You also have cross country trails, etc. The school does utilize the Gateway Trail.

On Commission owned properties, a lot of the Deeds restrict activities, e.g., can't damage trees, etc. Counsel has advised because of the shooting activity that has occurred a claim could be made that the property is being damaged. Counsel felt pretty confident given no one has ever challenged a conservation property that has had a no target shooting restriction and also because of the damage to property, she could prosecute that if need be.

Chairman Tenhave stated he spoke with counsel regarding signage and the proper posting of signage. The RSA provide clear direction on the requirements for signage, e.g., 2" letters, etc. Counsel was pretty confident the Commission could move forward with its own signs, at this point. No target shooting signs could be placed on Commission owned parcels in a fashion dictated by the RSA, and the signs could be used to enforce the issue. Individuals participating in this type of activity could be asked to leave because they would be littering as well as trespassing if engaging in an activity not permitted on the property.

Chairman Tenhave stated his desire for the Commission to move forward with obtaining and posting signs on Commission property in accordance with State RSA and inform Town staff and the Police Department of the postings and the expectation of enforcement.

The Commission had before it an update to the Ordinance, which addressed the Federal Gun Free School Zones Act (GFSZA) 18 U.S.C. §922(q). It was suggested the Commission start out by including just the Commission property; let the School manage and post its parcels based on the GFSZA, and then dig deeper into the Town owned parcels, which would include the Horse Hill Nature Preserve (HHNP) and a few other parcels.

Councilor Vaillancourt questioned if the Commission would have a conversation with the School District explaining the Commission's actions. Chairman Tenhave stated a desire to dig deeper prior to taking that step. He commented the Commission is now at the point where it would be prudent to get legal counsel, the Town Manager, Police Chief, and any other interested parties in a room to have a discussion so that everyone hears the same information. From there we could look to move forward with something the Police Chief and the Town is comfortable with. The Town owned properties, that do not have existing Deed restrictions, include the HHNP, Wildcat Falls, Riverside Drive, and Mitchell Woods.

Chairman Tenhave noted the Gilmore Hill Memorial Forest has Deed restrictions on firearms use, which trump all else. When the Commission accepts a property with a Deed restriction, that Deed restriction has to be enforced no matter what because it came from a private property owner, and it lives with the property in perpetuity. The Commission can post and enforce those properties as well.

Councilor Vaillancourt stated her opinion the Town owned properties should be treated the same as Grater Woods. Chairman Tenhave responded we should be comfortable with posting them as the landowner, and going at it from that direction. Commissioner Perry noted the way the Ordinance is currently written, it allows that.

Commissioner Perry stated the definition section of the Ordinance reads: "As used in this Chapter, "target shooting" shall mean the use of a firearm to shoot at inanimate objects." He questioned how the Commission would address someone shooting on the property referring to it as hunting trees, e.g., as a way around the Ordinance. Commissioner Rosati asked if New Hampshire has a hunting season for trees. Councilor Vaillancourt stated trees are property. Although she understands the concern, she does not believe the Commission would have any difficulty legally defending the fact it is the property of the Commission. She stated her belief removing the language "inanimate objects" from the ordinance would not take away from the intent. Chairman Tenhave remarked intent and clarity are two different things in an ordinance. Commissioner Boisvert questioned the scenario of an individual discharging a weapon and not shooting at a target. Councilor Vaillancourt remarked the biggest problem at this time is target shooting. They are shooting at inanimate objects. If we find a way to curtail that, she believes someone going out there and discharging a firearm will not be that much of an issue. Although we desire language that can be enforced universally, at the same time we are aware of the specific issues and locations where this undesirable activity is taking place currently.

MOTION BY COMMISSIONER TENHAVE THAT THE COMMISSION NOT ALLOW TARGET SHOOTING ON ANY PROPERTIES OWNED IN FEE BY THE CONSERVATION COMMISSION
MOTION SECONDED BY COUNCILOR VAILLANCOURT
MOTION CARRIED
7-0-0

MOTION BY COMMISSIONER TENHAVE TO PURCHASE ONE HUNDRED (100) SIGNS THAT COMPLY WITH THE STATE RSA THAT DICTATES THE REQUIREMENTS FOR "NO TARGET SHOOTING" SIGNAGE. FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
7-0-0

Chairman Tenhave questioned the will of the Commission relative to continuing to utilize the sign company that has been utilized in the past. Vice Chairman Caron questioned the material that would be desired. Chairman Tenhave stated his opinion a smaller cost should be looked for understanding the likelihood replacement will be necessary.

RSA 635:4 Prescribed Manner of Posting states: "A person may post his land to prohibit criminal trespass and physical activities by posting signs of durable material with any words describing the physical activity prohibited, such as "No Hunting or Trespassing", printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such land. Such signs shall be posted not more than 100 yards apart on all sides and shall also be posted at gates, bars and commonly used entrances. This section shall not prevent any owner from adding to the language required by this section."

Vice Chairman Caron offered to take on the task of acquiring the signage. Prior to purchase, he will send a draft to the Commission for review.

Chairman Tenhave will work towards getting the various parties together to discuss the action of the Commission.

Vice Chairman Caron questioned if now is the right time to arrange for a clean-up day. Commissioner Boisvert suggested that activity go hand-in-hand with the posting of the signage. The PWD will be asked to provide equipment to assist in the clean-up effort.

Chairman Tenhave questioned the will of the Commission with regard to investing in cameras to be utilized for wildlife monitoring as well as the issue of prohibited undesired activities on the properties. Vice Chairman Caron noted it is a no fee property, and that is the hurdle. As long as cameras do not have audio recording capability it is not wiretapping. He explained if payment of a fee is required to gain access, no recording of any type can occur without explicit permission or signage indicating video surveillance in progress, etc. Absent a fee, an image can be captured. When asked, Chairman Tenhave stated it would not be live streamed; long-term the Commission would like to set up wildlife cameras to capture some of the migrations that occur, etc.

It was the consensus of the Commission that purchase of cameras should be done in conjunction with the other planned activities, etc., signage, etc.

**MOTION BY COUNCILOR VAILLANCOURT THAT THE COMMISSION PURCHASE TWO (2) CAMERAS AND ASSOCIATED SUPPLIES FOR A TOTAL COST NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00). FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER ROSATI
MOTION CARRIED
7-0-0**

2. NED Pipeline

Commission to have a general discussion on the NED project and any immediate actions it may wish to take. This discussion will include:

- Sending and the language for a survey denial letter to KM for our parcel. Survey denial was done in December of 2015.

Commissioner Rosati noted all that is required is information relative to the lot and a statement denying access to survey. A copy of the draft letter is attached.

Commissioner Rosati noted although the Quitclaim Deed shows the property as located on Naticook Road, now that Continental Boulevard is completed, it is actually on Continental Boulevard. She questioned the will of the Commission with regard to changing the reference. Chairman Tenhave noted the Deed was put together more recently than the completion of Continental Boulevard. The Quitclaim Deed is intended to be attached. The letter identifies the Parcel ID, which is the legal identification of the parcel.

The Commission was in agreement with the letter, and requested the Commission's legal counsel, Carolyn Elephant, Esq., as well as John Proulx, Land Agent, Tennessee Gas Pipeline, the one who requested the formal notification, be copied.

Commissioner Rosati stated Attorney Elephant had stated there is no requirement for the letter to be sent to the intervener mailing list. Commissioner Rosati will send the letter, via Certified Mail, to Kinder Morgan at their Agawam, MA and Enfield, CT addresses, and the Federal Energy Regulatory Commission (FERC) in Washington, DC. Chairman Tenhave will file the letter with the FERC electronically.

The consensus of the Commission was to send the letter, and that Commissioner Rosati be reimbursed for expenses associated with certified mailings.

- Given our Attorney's inputs, discuss any further action we wish to take.

Chairman Tenhave commented the Commission had discussed forwarding all of the communications it has filed with the FERC to Attorney Elefant. He will take on that task, and the Commission will wait to hear from legal counsel as to which should be resubmitted.

Attorney Elefant had stated the Commission may wish to comment on the public need and request a hearing for public need. Commissioner Rosati will draft a letter identifying reasons why the Commission does not believe there is a public need, and stating the Commission does not believe a public need has been addressed in a public setting. Commissioner Rosati informed the Commission she is aware of an individual who contacted the FERC and was informed export is a valid need, and the United States needs to support its allies.

Commissioner Perry commented that is a political viewpoint. Commissioner Rosati reiterated that is what the FERC told the individual who called. Councilor Vaillancourt questioned if Kinder Morgan has publicly admitted that the gas is for export. Commissioner Rosati spoke of having attended an energy meeting at Franklin Pierce College on November 12, 2015 during which Curtis Cole, Director of Business Development, Kinder Morgan, Clay Mitchell, Revolution Energy, Inc., Lecturer, UNH, and David Solomon, Energy Columnist, Union Leader participated in the expert panel discussion. At that meeting, Curtis Cole stated Canada has been supplying us gas for years, it is our turn to supply them gas.

Councilor Vaillancourt remarked they have made lots of public statements and statements to the press stating it is not for export, and it will reduce our electric costs. Commissioner Rosati remarked the Department of Energy has approved .8 billion cubic feet/day of gas. The two companies that would be turning it into liquid natural gas and exporting it would be Bear Head and Paradee Gas Company. It is .8 billion cubic feet. Kinder Morgan is supposed to be transporting 1.2 billion cubic feet. When you stop and think about how much Kinder Morgan has spoken for with customers it is about .6. What do they have left; about .8.

Councilor Vaillancourt remarked she would not give the phone call a lot of weight at this time as it is simply a phone call between two people that is contrary to everything we have heard and seen published up until this point. She commented when we start getting into issues about easements and eminent domain, they talk about public good. This pipeline is specific to the New England region. They talked about the benefits to and the need of the New England region specifically, and Kinder Morgan is still publicly touting that as a benefit to the New England region. She stated her belief that is what the Commission should focus on.

Councilor Vaillancourt stated her opinion exporting is not for the good of the New England region or the United States because we are giving up rights to our own land, clean drinking water, etc. Commissioner Perry stated there is no way he could ever be convinced gas is more important than water. Councilor Vaillancourt remarked Attorney Elefant spoke of how Kinder Morgan's arguments relative to need are falling apart.

Councilor Vaillancourt suggested the letter not only address reasons why the Commission does not believe there is a public need, state the Commission does not believe a public need has been addressed in a public setting, but also identify some of the items Merrimack stands to lose.

Chairman Tenhave noted one of the other items Attorney Elefant brought up was the Charitable Trust; the Commission should educate the FERC on what the Charitable Trust means or perhaps remind them of the letter from the Attorney General's Office. That should be separate from the letter regarding public need. Councilor Vaillancourt noted information regarding the Charitable Trust was included in the packet for the December 21, 2015 meeting.

Councilor Vaillancourt stated at its last meeting, the Town Council reiterated it still does not have a signed survey agreement with Kinder Morgan, and the roadwork permit application that was filed remains incomplete. If any survey trucks are seen in Town, they do not have permission to be in the roads or right-of-ways. Commissioner Rosati suggested if anyone does see a survey truck they should report it to the Police Department.

Chairman Tenhave suggested the Commission may wish to have Jeff Littleton, Moosewood Ecological LLC, take a look at the Commission property that is on the path.

Commissioner Rosati commented where they want to go now is through two private properties and the peat bog, which she believes Southwood Corporation owns.

3. South Grater Road Closure

Commission to discuss the next steps in closing a portion of South Grater Road.

Chairman Tenhave noted the Commission was provided with comments forwarded by Attorney Roman of Drummond Woodsum, regarding how to move forward with the road closure. Chairman Tenhave stated it to be his intent to engage in a discussion with the Town Council as to what the Commission wants to do, and to see if there is a desire to go to the public hearing phase to do this. He will request to have that discussion at the meeting on March 24th. He questioned the will of the Commission.

The Consensus of the Commission was to move forward with the discussion with the Town Council.

The agenda for the Commission's next meeting will include a review of the material that will be presented to the Town Council.

4. Update to the www.merrimackoutdoors.org Website

Commission to discuss making changes to our "outdoors" website. Commission to review recommendations/options from the website developer and potentially take action on those recommendations.

Chairman Tenhave stated he spoke with Wendy Wetherbee, and they have come to the conclusion they should collect some analytics information before deciding on next steps. In the meantime, she is looking into what a mobile version would look like. He commented it would be good to understand what portions of the website are being used. Mrs. Wetherbee will go back a year in her research to see what the trends look like, and then generate a report for the Commission. The Cost Proposal provided with the agenda identifies the estimated cost for doing this work (\$550).

Commissioner Perry stated a desire for a change to the calendar; when you hover over a date that has information on it, it comes up in a window so small it cannot be seen. If you select it, it takes over, and you can't get back to the home page. He would like the size of the window to be increased.

MOTION BY COMMISSIONER TENHAVE TO GO FORWARD WITH THE PROPOSAL FROM WETHERBEE CREATIVE FOR AN ANALYTICS REPORT, AND EXPEND UP TO FIVE HUNDRED AND FIFTY DOLLARS (\$550.00). FUNDS ARE AVAILABLE IN FUND 53

MOTION SECONDED BY COMMISSIONER CARON

MOTION CARRIED

7-0-0

NEW BUSINESS - None

OTHER BUSINESS

- Update on Land Donations

Chairman Tenhave spoke of the Public Hearing conducted earlier in the evening. The other land donation is associated with the Chestnut Hill development. A meeting was conducted the previous week with the NH DES. Chairman Tenhave stated his impression they have pretty much come to terms on the wetlands permit, but the exact language of the Deed is not yet resolved completely. He will follow-up with Ken Clinton, Meridian Land Services, Inc., to see where that stands.

- Update on HHNP Parking Lot RFP

Chairman Tenhave stated Deputy Director Fox informed him he has not been able to get the RFP information together. Chairman Tenhave expressed a desire for it to be done at the beginning of March.

- Resignation of Angela Martin from HHNP Sub-Committee

The Commission signed a card that will be sent to Ms. Martin thanking her for her service to the Sub-Committee and the community.

- Beaver Policy and Water Control Activities.

Commissioner Perry stated he and Mike Callahan, Owner, Beaver Solutions, spoke early in the winter regarding continued work. At the time, a lot of the activity had stopped. Recently they have communicated via email. With an early spring, most of the areas have flowing water, which allows for a spring check of the devices that are installed. That work will be scheduled. A fifth device was put in late last year. The invoice provided to the Commission only specifies four of the existing devices. He stated his assumption the Town would receive its own invoice.

Commissioner Perry stated his belief the Commission would like Mr. Callahan to look at some of the other areas where issues are known, e.g., the HHNP, Hansom Drive, behind Madison, and the School property in front of the Reeds Ferry School (culvert going under road).

Chairman Tenhave questioned if Commissioner Perry was agreeable to the subject being placed on the next agenda so that he could walk the Commission through the plan, and bring everyone up to speed. Commissioner Perry stated agreement.

**MOTION BY COMMISSIONER GLENN TO APPROVE THE 2016 ANNUAL MAINTENANCE PLAN WITH BEAVER SOLUTIONS IN THE AMOUNT OF NINE HUNDRED DOLLARS (\$900.00). FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER BOISVERT
MOTION CARRIED
7-0-0**

Commissioner Perry requested Commissioner Boisvert provide an update on the status of the Town GIS system. He would like the website to be able to be populated with available data. He noted Deputy Director Fox has information relative to licenses, etc. Tim Thompson, Director, Community Development Department controls who has licenses to gain access to the system. Commissioner Boisvert stated he would look into the matter.

- Tree Cutting at Wasserman

Councilor Vaillancourt stated she and Chairman Tenhave have had discussions with the Town regarding what needs to be done to address the damage that resulted from the tree cutting at Wasserman Park. Chairman Tenhave stated he is trying to let the Town handle as much of it as possible since the Town has the no cut buffer and the staff. He will answer questions and provide comments if needed.

- Site Walks/Activities

Commissioner Boisvert stated Matt Casparius, Director, Parks and Recreation Department, would like the sub-committees to go forward and plan a walk on their properties. The desire would be for the walks to be family oriented.

Commissioner Boisvert stated he would be doing a beginning backpacking class for any hikers who are interested. The class will be conducted at 10:00 a.m. on May 21, 2016 in the Function Hall at Wasserman Park.

- Open Position on the HHNP

There is an open position for an alternate member on the HHNP Sub-Committee. Anyone interested should make that interest known to a member of the Commission.

- Grater Woods

Vice Chairman Caron informed the Commission the School Board is funding a bridge out on Grater Woods that connects the Commission's property to the School's property. That will likely take place the weekend of the 19th. In addition they will fix the trail that leads to that area. An email will be sent to the Commission informing of the time, etc.

- Stewardship Plan; Grater Woods

Chairman Caron stated the intent to put forward an agenda item for the sub-committee meeting on the 15th relative to updates to the Stewardship Plan. He questioned the mechanism that should be used to convey the recommended changes to the Commission. Chairman Tenhave noted there would be the need for a forestry survey to be conducted on the new parcels in order to have a complete plan. That is likely not something the Commission would look to the sub-committee to do. Then it is a matter of proposed trails or activities that are desired for those parcels. During the Commission's last meeting a discussion took place regarding mapping the existing trails and identifying those that should remain, be eliminated, and added. In addition, the Commission would look to the Sub-Committee to recommend classifications for the trails.

Chairman Tenhave stated his preference to hold off on the forestry work to see what will be done with Chestnut Hill, so that all of the work could be done at one time.

Commissioner Perry stated the Sub-Committee could do the trail work and list the parcels on the plan to keep the history up to date. Councilor Vaillancourt referred to comments made that a priority is to discontinue some of the trails that traverse through wetlands.

Vice Chairman Caron remarked a large portion of the Commission walked the parcels and witnessed trails that are currently being developed. He is unsure if mapping the trails is prudent at this time as additional trails continue to be developed.

Commissioner Boisvert spoke of a caged four-wheeler he saw that was forging its own trails, and commented on having heard the cracking of the small trees and brush as the four-wheeler made its way through the parcel. Councilor Vaillancourt questioned how that activity is stopped. Vice Chairman Caron stated it to be very difficult. Councilor Vaillancourt suggested the Commission start with finding a way to close off the undesired trails that have been formed. From there trail classifications could be identified.

Commissioner Perry stated it will be a particularly long and hard effort as this is an area people have been driving on for years. Chairman Tenhave noted it will require a great deal of signage indicating the property is owned by the Merrimack Conservation Commission, this trail is closed, etc.

Vice Chairman Caron commented on the level of activity that is already occurring, and questioned if now is the time to close the undesired trails or if there is more of a mechanism involved, e.g., does the Sub-Committee have to review them and make a recommendation for closure to the Commission, etc.

Commissioner Boisvert commented at the last meeting the Commission stated the Sub-Committee could move forward with closing trails that go through wetlands. Chairman Tenhave stated it to be the duty of the Commission to stop that activity. For the purposes of putting the plan together, an updated trail map and categories for the trails are needed. It could simply be identifying the desired trails, which would, by default, identify all others as trails we don't want to continue with. The recommendations can be voted on by the Commission.

Chairman Tenhave commented this is simply a matter of history repeating itself; the Commission went through this with the HHNP when it was first done. It was people's backyards, and it took a few years, but it slowed down and stopped. The more walkers you get out there, the more people that actually start coming out will start discouraging the bad behavior. He remarked on the established properties the abuse has gone down considerably. Now that we have new properties we will see the same cycle.

Commissioner Rosati commented on the mild winter, and cautioned users of the trails to be mindful of protecting themselves and their dogs from ticks.

Chairman Tenhave commented on having noticed postings on the Merrimack Facebook page regarding great places to go hiking. He requested Commissioners utilizing that form of social media to promote the Merrimackoutdoors.org website.

Commissioner Rosati questioned if, when utilizing social media, she should be identifying her opinions as her own to avoid the perception that the opinions expressed are those of the Commission. Chairman Tenhave responded if saying something controversial and believing it might reflect negatively on the Commission, she might want to state she is posting her remarks as a private citizen.

- Gateway Trail

Commissioner Perry remarked the Gateway Trail is very wet and shows signs of foot and bicycle traffic. He suggested approaching the company that constructed the road to inquire as to the cost of driving a roller over the trails when the area is dry. Chairman Tenhave will provide the contact information.

- Merrimack Village District Press Release

Councilor Vaillancourt spoke of a press release regarding the possibility of water contamination, and stated the desire to make the public aware that the MVD posted a formal response, which can be found on their website. MVD's statement will be posted on the Town's website as well.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. February 22, 2016

The following amendments were offered:

- Page 1, Line 6; meeting location should be amended to reflect the "Matthew Thornton Room"
- Page 2, Line 22; replace "lead" with "led"
- Page 2, Line 56; insert "on how" before "runoff"
- Page 3, Line 4; replace "he" with "the"
- Page 3, Line 38; replace "Commission" with "Commission's" after "that of the"

**MOTION BY COUNCILOR VAILLANCOURT TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER BOISVERT
MOTION CARRIED
6-0-1**

Commissioner Perry Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn spoke of the area of the trail in HHNP that has been impacted by water as a result of beaver activity. The Sub-Committee has discussed moving the trail so that it would go straight up instead of looping as a way to avoid the issue. Chairman Tenhave remarked as long as that doesn't create an erosion problem, he sees no issue with that. When asked if he has reviewed the area and the proposed change, Vice Chairman Caron stated he has, and is in favor of the change. Commissioner Perry and Chairman Tenhave remarked, based on that input, they are okay with the change.

Vice Chairman Caron informed the viewing audience the Grater Woods Sub-Committee will meet on March 15th at 6:30 p.m.

Chairman Tenhave stated the Wildcat Falls Sub-committee will meet during the last week of the month. He informed the viewing audience of an opening on the Sub-Committee, and requested anyone interested in joining make that interest known.

ADJOURNMENT

MOTION BY COMMISSIONER CARON TO ADJOURN
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
7-0-0

The March 7, 2016 special meeting of the Merrimack Conservation Commission was adjourned at 8:43 p.m.

Submitted by Dawn MacMillan