



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK CONSERVATION COMMISSION

FEBRUARY 10, 2014

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, February 10, 2014, at 6:33 p.m. in the Matthew Thornton Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Ron Davies
Gage Perry
Simon Thomson

Members of the Commission Absent: Thomas Lehman
Robert Croatti, Alternate
Lauren Kras, Alternate
Councilor Thomas Mahon

Also in Attendance: Jane Josselyn, 10 Dwyer Street

Chairman Tenhave noted Councilor Mahon and Commissioner Lehman were excused. Commissioner Kras was ill, and would not be in attendance. The next meeting of the Commission is scheduled for March 3, 2014.

PUBLIC COMMENT - None

APPOINTMENTS

1. **Eco-Sweep** - Don Willet to introduce Eco-Sweep and MolecuLoc to the Commission

Mr. Willet was unable to be in attendance. The Commission received a flyer as well as additional information on Eco-Sweep and MolecuLoc. Chairman Tenhave recommended commissioners review the material and commented the product represents an opportunity to perhaps manage stormwater in another way.

STATUTORY/ADVISORY BUSINESS

1. **G. Nasr Realty, LLC (applicant/owner)**

Review for recommendation to the Planning Board of an application for a site plan proposing to construct a 530 sq. ft. donut shop addition with a drive-thru and related parking at 715 Daniel Webster Highway; Tax Map 7E, Lot 054-01.

Chairman Tenhave informed the Commission and viewing audience, the item had been pulled from the agenda. The site is not within the Aquifer Conservation District. Therefore, there is no need for the applicant to appear before the Commission.

Chairman Tenhave questioned whether the Commission wished to forward any recommendations on to the Planning Board. Commissioner Perry noted the standard request for no de-icing compounds of any sort or that the use of de-icing compounds be minimized and that applicators be Green SnowPro Certified. He also noted the Commission's preference for use of low-phosphate, slow release nitrogen fertilizer. He suggested there be identified verbiage for native species in the planting plans.

Chairman Tenhave noted Sheet 7 of the Plan, under Materials, #8 states "Hay used for mulch shall consist of mowed and properly cured grass or". He questioned whether "properly cured" indicates the seeds would no longer be viable.

Under Construction Sequence, #4 refers to the use of hay bales as opposed to straw bales. Under Materials, #3 states "Fertilizer shall be 10-20-20 commercial grade." The numbers are in the order of Nitrogen, Phosphorus, and Potassium. In this application the level of phosphate is not low in comparison to the other percentages. The recommendation of the Commission would be for a low-phosphate level.

Chairman Tenhave informed the Commission he would forward the recommendations along to the Chairman of the Planning Board.

APPOINTMENT

Commissioner Thomson introduced Jane Josselyn and stated her desire to be appointed to the Wildcat Falls Sub-Committee. The Committee currently has three full-time members and two full-time positions open. Ms. Josselyn has been living in the Merrimack/Bedford area for quite some time and recently moved to Merrimack on a full-time basis. She has already become involved with the sub-committee, e.g., participated in the bridge building project and attended the last meeting.

Jane Josselyn, 10 Dwyer Street

Stated she was born and raised in Maine, has a degree in Forestry Engineering, and is currently employed as an Aerospace Engineer. She spoke of her passion for being outdoors and desire to preserve the land. When asked, she stated an interest in being appointed as a full-time member.

Chairman Tenhave noted the appointments are made in staggered terms, and questioned the available term lengths. Without the available term information readily available, he questioned her wishes. Ms. Josselyn stated her wish to serve as long a term as possible. Chairman Tenhave stated the details of the term length would be worked out and relayed to her.

MOTION BY COMMISSIONER THOMSON TO APPOINT JANE JOSSELYN AS A FULL-TIME MEMBER OF THE WILDCAT FALLS SUB-COMMITTEE FOR A TERM TO BE DETERMINED

MOTION SECONDED BY COMMISSIONER DAVIES

MOTION CARRIED

5-0-0

OLD BUSINESS - None

1. Beaver Management Plan - RFP

Commission to discuss putting out an RFP for professional services related to creating a comprehensive Beaver Management Plan.

The Commission was provided a draft RFP for review/consideration. Commissioner Perry commented his intent was to draft the RFP so that those responsible for creating the management plan would also be able to administer it. Understanding there may be bidders who either do not wish to or have the ability to administer a plan these tasks have been split under the Scope of Work.

Chairman Tenhave stated his impression RFP related correspondence should be directed to the Finance Department as opposed to Director Thompson. He stated his desire, should there be questions requiring clarification, for the Finance Department to work with Commissioner Perry.

Commissioner Perry stated he would look to the appropriate Town personnel to complete the areas left blank on the draft RFP; #s 6-11.

It was noted legal counsel would review any contract before it became finalized. When discussing input from the Forester, it was suggested his input would be requested when reaching the point in the process when a policy is under consideration for beaver management.

When asked about the timeframe, Chairman Tenhave stated his belief the RFP should be out for a minimum of a month based on his expectation there will be questions posed. He questioned the will of the Commission with

regard to scheduling a time where potential bidders could come before the Commission or a subset of the Commission to discuss the RFP.

The consensus of the Commission was to put the RFP out for a period of 45 days. Should it result in numerous questions/concerns, the Commission could then reach out to bidders offering an opportunity to participate in a meeting.

Chairman Tenhave stated his experience has been if a bidder brings forth a question, in the interest of fairness, the response is provided to all bidders.

It was suggested and agreed to by the Commission that language be added such as, if intending to provide a response, please make us aware so that we can provide you any updates or additional information as it becomes available.

Chairman Tenhave and Commissioner Perry were charged with review/revision of the RFP language to ensure the final product meets the intent.

Commissioner Davies spoke of language he would suggest be added to the end of the RFP, and offered to provide it to Commissioner Perry for consideration.

Chairman Tenhave suggested there to be several entities/individuals who should be notified of the RFP, e.g., the Forester, Bay State Forestry Service, Jeff Littleton of Moosewood Ecological who completed the Bio-diversity Plan for the Town back in 2010, and the Director of New Hampshire Association of Conservation Commissions (for distribution).

NEW BUSINESS

1. Chapter 111

Commission to discuss how it wants to go about submitting an update to the Town Code, Chapter 111 dealing with Conversation Properties.

Chairman Tenhave spoke of Chapter 111, § 111-3, Designation of Conservation Areas, which identifies parcels covered by the Ordinance. The Ordinance, as currently written, does not address all conservation properties. The legal authority of the Police Department to provide enforcement against undesired activities on properties not specifically identified within the Ordinance is questionable. The absence of identification within Ordinance also results in confusion on the part of the public with regard to activities that are or are not permitted.

Chairman Tenhave stated a desire to amend Chapter 111 to be more encompassing. Commissioner Perry noted what is spoken of in the Ordinance is "Conservation Areas". A great many of the properties are bound by proximity to residence(s), which in and of itself eliminates certain activities, e.g., hunting, etc. He questioned whether the desire was to list all properties as conservation areas. Chairman Tenhave stated a desire to codify rules the Commission wishes to identify for each of the parcels.

When asked what the impetus is behind revising the Chapter, Chairman Tenhave provided the example of the Wasserman Conservation Area which has within its Deed a note that states the Town will adhere to certain restrictions, e.g., no OHRV use, no snowmobile use, etc. There is currently no way to enforce those restrictions. He stated the desire to identify such restrictions within the Ordinance.

Chairman Tenhave suggested the Commission could request its three sub-committees review the Ordinance and provide feedback.

Commissioner Thomson noted Chapter 111 addresses rules of conduct for "conservation areas" and then identifies the specific parcels. He questioned how to go about identifying rules that are specific to individual parcels. Chairman Tenhave responded he does not have a clear answer for that, and suggested it could be something along the lines of 111-4 addresses the Horse Hill Nature Preserve, etc. Commissioner Perry questioned why reference could not be made to trail designations, e.g., rules of conduct for Class B trails, etc.

It was noted there are other issues to consider such as hours of operation and whether that would vary depending upon the parcel, the requirement for domesticated animals to be controlled by the use of a leash or rein, etc. It was suggested Town Ordinances be looked to for inclusion as opposed to identifying rules that differ from those.

Commissioner Perry noted Rule J, which reads: "There shall be allowed, by permit, overnight camping where at least one person is at least 21 years of age." and questioned who would issue a permit. Another area for review is Rule B, which reads "There shall be no fires on conservation areas except as approved by the Merrimack Conservation Commission in conjunction with New Hampshire statutes and with a permit issued by the Forest Fire Warden. It was suggested there may be a need, should these activities be allowed, for dedicated areas that are deemed appropriate for such activities. Chairman Tenhave remarked, in accordance with the Town Charter, the Town Manager is responsible for all real property.

The consensus of the Commission was to request the sub-committees review the Ordinance and provide feedback in advance of the Commission's August meeting. Requests will also be made of the Police and Fire Departments as well as the Town Manager to review and provide input on areas for which they have expertise.

A particular Commissioner has not yet been identified to lead/coordinate the effort.

OTHER BUSINESS

- Winter Carnival, Saturday: February 22, 2014 12:00 – 3:00 p.m.
- NHACC dues are due

An invoice has been received (budgeted item) and will be processed.

Chairman Tenhave remarked he is of the understanding the Grater Woods Sub-committee discussed forestry work at a recent meeting. Vice Chairman Caron stated his recollection one of the members questioned whether there were plans in place. He is unaware of any efforts underway outside of the desire to have the Forester review the Homestead area. Chairman Tenhave questioned whether the sub-committee would be interested in providing input as to what it believes a forestry project should look like at Grater Woods. Vice Chairman Caron suggested the Commission move forward with its plans for the Forester. He noted the discussion was simply around a question of what the next step would be.

Commissioner Perry suggested the Forester be requested to utilize the opportunity as a training session. Vice Chairman Caron stated a desire to be part of the forestry project, and agreed to contact the Forester and advise them of the desire to move forward with the forestry plan outlined in the Homestead plan, question if they would like to update the plan or provide input, and request they provide an estimate of what their costs would be to provide that level of service (reassessment and assistance in creation of the RFP). There would be a separate contract to address management of the project.

Commissioner Perry informed the Commission the seedling order has been placed.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. January 27, 2014

**MOTION BY COMMISSIONER TENHAVE TO ACCEPT AS PRESENTED
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED**

4-0-1

Commissioner Davies Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Chairman Tenhave noted the Right-to-Know training which was scheduled for last week was postponed until March 5, 2014. Given that is the same date as the school deliberative session, it is possible it will again be re-scheduled.

ADJOURNMENT

**MOTION BY COMMISSIONER THOMSON TO ADJOURN
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
5-0-0**

The February 10, 2014 meeting of the Merrimack Conservation Commission was adjourned at 7:24 p.m.

Submitted by Dawn MacMillan