



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

OCTOBER 20, 2014

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, October 20, 2014 at 6:33 p.m. in the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Michael Boisvert
Gage Perry
Councilor Thomas Mahon

Members of the Commission Absent: Robert Croatti, Alternate
Lauren Kras, Alternate

Also in Attendance: Kenneth Clinton, Meridian Land Services
Paul Micali, Acting Town Manager/Finance Director
Karen Labonte, Chairman, Wildcat Falls Sub-Committee

Chairman Tenhave reminded the viewing audience to wear hunter orange, and stay on marked trails if utilizing the woods during hunting season. The Commission's website, www.Merrimackoutdoors.org, identifies conservation lands where hunting is allowed.

Chairman Tenhave noted Commissioner Kras was unable to be in attendance.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

1. Wetland Permit for Review and Recommendation

Review for recommendation to NH DES of a standard wetland permit application in accordance with RSA 482-A. This is for a wetland crossing located at Tomasian Drive in the R-1 (Residential), Aquifer Conservation and Flood Hazard Conservation Districts and Shoreland Protection Area. Tax Map 4B, Lot 009-01.

Chairman Tenhave stepped down and Vice Chairman Caron presided.

Mr. Kenneth Clinton, Meridian Land Services, remarked he was before the Commission the prior month, at which time a discussion took place around the preliminary wetlands permit and the subdivision plan and design as a whole.

Vice Chairman Caron informed the Commission of the ability to comment on the permit application to the New Hampshire Department of Environmental Services (NHDES).

Mr. Clinton stated when last before the Commission the wetland permit presented was preliminary. What was filed is slightly different. The design was originally a 2-1 side slope through the wetlands (steeper than regulations and required a waiver). The Town Engineer expressed concern to the Planning Board that he had not had sufficient opportunity to voice concerns about the waiver. The Planning Board has stated it would be willing to reconsider the waiver at its next meeting. The Applicant felt it prudent to comply with the Town Engineer's preferred 3-1 side slope. The result is approximately 600 sq. ft. of impact. The project continues to be around the 3,100 sq. ft. threshold noted at the last meeting.

A review by the Natural Heritage Bureau indicated the presence of certain threatened and/or endangered turtles in the general area of the project. At the time of the last discussion, NH Fish & Game had not yet provided their full comments. That information has since been provided. A few recommendations were made, which included changing the culvert to a 36" culvert; increase size to allow for a slightly larger travel corridor for turtles, and rather than a plastic pipe, the culvert should be a reinforced concrete pipe (RCP). The belief is there would be moisture content in the pipe that would encourage moss type growth whereas a plastic pipe which would stay relatively clean. When asked about the length of the pipe, Mr. Clinton stated his belief it would be in the 76' range (an additional 16'). When considering how desirable it would be for a turtle to go through that pipe as compared to up and over the slopes, he does not believe there to be a substantial distance between 60' and 76'; however, the side slopes might be a bit more accommodating at 3-1.

Mr. Clinton noted one of the recommendations received was to extend the riprap on the outlet side (towards the Souhegan River). The project includes a purge pool, which is a depression in the riprap. The recommendation was to remove the purge pool and extend the length of the riprap, which would substantially increase the wetlands permit because it is along the outlet flow of the seasonal perennial stream. The decision was reached not to go in that direction.

A recommendation was made to consider utilizing round riprap as opposed to what is normally seen as a jagged and rough edge granite type riprap chunks. As that would increase the velocity of water flowing through, the decision was made not to move in that direction.

The Commission recommended the deeds of the 19 lots in the subdivision include guidance regarding non-use of salt, deicing compounds, and only low-phosphate, slow release nitrogen fertilizer, etc. While a worthy item to note in discussion and perhaps in the planning process, ultimately the items are virtually unenforceable from a Town standpoint. To include guidance in the deeds he does not believe to be entirely appropriate and is unsure how that would occur, e.g., if not a right, restriction or some sort of encumbrance on or benefit to the property, it does not belong in the deed. Mr. Clinton stated his preference not to take such action. However, as he has stated in the past, he will bring the comment forward to the Planning Board.

With regard to the overall open space, the last discussion with the Commission noted the Applicant's desire for it to be overseen by the Town. The intent is to gift the open space to the Town. The Planning Board has not commented, and the Town Council has not yet been approached. Mr. Clinton stated his preference for the Commission to conduct a formal vote to oversee the open space (approx. 25 acres).

Vice Chairman Caron questioned, and was informed the documentation was filed with NHDES through the Clerk's office on or about September 30th.

Mr. Clinton stated the next meeting with the Planning Board is scheduled for November 18, 2014. A plan is out for peer review (CLD), which is expected to be returned within the next week and a half. CLD's comments will be provided at that time, and it is expected all comments/revisions would be addressed prior to meeting with the Planning Board. Mr. Clinton stated his hope for a letter from the Commission relative to its position on an open space easement. Mr. Clinton noted terms of an easement would be near or identical to those of the Fields Farm parcel to keep the consistency, e.g., passive recreational use.

Vice Chairman Caron stepped down and Chairman Tenhave presided.

Chairman Tenhave questioned the will of the Commission with regard to comments to NHDES. No comments were noted. Vice Chairman Caron remarked Kyle Fox, Deputy Director, Public Works Department, has addressed similar concerns expressed by the Commission with regard to issues related to turtles. He suggested the Commission meet with the Planning Board to discuss verbiage for deeds relative to use of fertilizers and deicing compounds and whether or not including such language is appropriate. Commissioner Perry agreed with

the comments made by Mr. Clinton relative to such language within deeds. Chairman Tenhave agreed to make a request to meet with the Planning Board to discuss the issue, in general, at a future date.

OLD BUSINESS

1. Beaver Management Study

Commission to review the recently received draft Beaver Management Study and make decisions on what it wishes to do related to the areas where attention is needed.

Chairman Tenhave spoke of a map provided to Commissioners in advance of the meeting, which identifies priority areas to be addressed (red; high beaver habitat suitability, yellow; moderate, green; low). GZA GeoEnvironmental, Inc. (GZA) used various characteristics in order to determine what would be a suitable beaver habitat. Areas marked in red or yellow are not necessarily inhabited by beaver; however, in accordance with the model created, there is probability for beaver. The model that generated the map seems to be working well and has been validated on a number of points.

Chairman Tenhave commented if there are developments being planned in other parts of Town, it may be beneficial for the Planning Department and Planning Board to review the model and be able to inform developers of the probability of impacts resulting from beaver.

Commissioner Perry commented the Commission had identified 31 areas and GZA has identified 35. The spreadsheet provided lists and provides details on each of the areas. Chairman Tenhave requested the Commission discuss first the areas of high suitability.

Number 18 on the spreadsheet, Mayflower Road; the area is between Mayflower Road and Powderhouse Road, which is off of Baboosic Lake Road. One end of the parcel is a marshy type input with a large beaver lodge in the middle of the pond and a dam at the opposite end holding the water back. In addition to the beaver dam is a manmade dam resulting from the sewer line that goes through there. There is a normal flow through the manmade dam and an overflow. Currently the normal flow through the dam outlet is completely blocked and the water is all the way up to the overflow, which is partially blocked. The beaver dam is a few feet higher than all of that. GZA's recommendation is: Flexible Pond Leveler and round fence in the dam, a round fence at the interceptor, a Beaver Deceiver at the overflow inlet, tree guards, and trapping prior to installation to accustom beaver to the new water level.

Chairman Tenhave noted large trees near the manmade dam that may or may not be salvageable. He also noted water level issues, which Mrs. Thompson has been dealing with on her property at 14 Powderhouse Road.

Commissioner Perry noted the area has been identified as a particularly troublesome spot. He stated his opinion the Commission needs to determine what needs to take place in the area. He commented GZA has done a good job of researching the types of devices that could be utilized with minimum long-term maintenance. He has spoken with Adam Jacobs, Operations Manager, Public Works Department, who has said, at this time of the season, he is without the bandwidth to support the time necessary to have staff trained on how to construct such devices. He would like to go ahead and purchase the recommended devices at least for the first few areas to be addressed. Commissioner Boisvert questioned whether the intent would be to purchase both a Beaver Deceiver and the Flexible Pond Leveler, and put them into use. Commissioner Perry stated it would.

Commissioner Perry stated the Town of Milford recently installed such equipment. They utilized Skip Lisle, of Beaver Deceivers International to install the equipment. Mr. Lisle is the U.S. flow device pioneer and has done installations nationwide, plus in Europe. Beaver Deceivers International has expressed interest in reviewing the parcel on Mayflower Road to see what could be done. This organization was one which GZA identified within the list of organizations they would contact, on behalf of the Commission, to inquire about pricing, and begin moving forward on the construction and management of the project. Councilor Mahon questioned whether a cost estimate is known. Commissioner Perry stated the rough estimate of purchase costs (only) for the devices to be: pond leveler; approximately \$1,300/pipe (1-2 needed for the main dam) and the price for the Beaver Deceiver to be based upon size, shape, and function (unknown at this time).

Chairman Tenhave remarked the Commission discussed a trapezoidal shaped deceiver, which would be placed at the inlets to one or both of the structures. Commissioner Perry stated his recollection GZA had expressed the main drain would be a large 6' circular deceiver and the large trapezoidal deceiver would be placed at the overflow.

Councilor Mahon questioned the estimate for installation costs, and was informed that is not yet known. It would be necessary for that work to be put out to bid. Chairman Tenhave stated his impression the work would require 1-2 days' worth of labor and two individuals to perform the installation.

Councilor Mahon commented although Town labor may be able to be utilized for clean-up, etc. it is necessary to factor in the Town's costs for those employees. He suggested other members of the Council may question the differential in cost for Town labor versus contracted labor. When asked if a Town employee could work alongside a contracted employee to learn the process required for installation, Acting Town Manager Micali responded that would be the ultimate goal if agreeable by the sub-contractor. Commissioner Perry commented learning how to install such a device, although useful, does not provide the necessary knowledge of requirements for size, shape, location, etc. to ensure the equipment will satisfactorily perform the desired function.

Councilor Mahon remarked cost factors associated with a Town employee may be the determining factor of whether or not it is in the Town's best interest to utilize Town employees versus outsourcing the work. Acting Town Manager Micali added there is also the consideration of how often such work would be performed.

Commissioner Perry stated there to be 35 potential sites presently. The goal is not to be dispatching animals. The population will not go down. There will be a good deal of potential for construction of such structures. Chairman Tenhave added there may be the need to do 30 different types of structures. Acting Town Manager Micali reiterated the costs of utilizing Town labor versus contracted labor would likely be the deciding factor. Commissioner Perry stated his opinion the areas that directly impact residents are those which he would prefer to utilize a professional contractor. Councilor Mahon stated agreement, and commented there is a learning curve involved and you would not want to put an employee in the position of being thrown into the most difficult of areas without the benefit of proper training.

Understanding the parcel located at Mayflower and Powderhouse Roads is the most difficult area consisting of three different types of devices, the consensus of the Commission was it would provide a good opportunity for a Town employee to observe the process. Acting Town Manager Micali stated his belief accommodations could be made to have a Town employee present for that particular project noting there is the need for some clean-up to occur as well; overflow catch basin is covered with wood and the extra overflow catch basin is beginning to be covered. With the expected rainfall over the next few days, discussions have already taken place about clean-up in the area.

Chairman Tenhave questioned the will of the Commission. It was suggested a quote be requested with the desire for participation of a Town employee clearly expressed. Chairman Tenhave questioned whether the existing, non-functioning pipes would be removed. Commissioner Perry noted the beaver box is scrap and the material could not be repurposed. Although he believed it would not be too difficult to remove the material.

Commissioner Perry offered to continue to work with GZA to obtain a quote, etc. Chairman Tenhave stated his opinion the work being requested requires a specialized skill. Given that, rather than a large proposal process, he would like to obtain a quote, and conduct an official vote of the Commission. Acting Town Manager Micali stated a quote should be obtained and the Finance Department included in the process. He commented if the quote comes back in a range exceeding \$7,500 - \$10,000 the Commission would have to be questioned about the desire to undertake a competitive bidding process.

Chairman Tenhave questioned the will of the Commission as to whether the direction should be to engage the contractor and have work begin as soon as possible or to obtain additional information and conduct a vote at the Commission's next meeting. When asked if time is a factor, Acting Town Manager Micali noted timing is dependent on the contractor's schedule, weather conditions, etc. The decision of whether to begin work right away or wait for an official vote of the Commission may be determined by those and other factors.

Chairman Tenhave questioned the desired water level of the pond upon project completion. Commissioner Perry noted the level at which the beaver box was placed previously appeared to be amenable to all parties. Currently there is approximately 2-3' of water above the box. The desire is to maintain 4' of depth on the other side to avoid full pond freeze. If the bottom of the box is above the 4' mark, would that be the ideal level? Chairman Tenhave questioned if there is an idea of the level between the two flows. Commissioner Boisvert questioned and was told that would be at least 2' lower than the current level. Commissioner Perry added that seemingly would put the level between the two flows. Chairman Tenhave stated that to have been his impression as well, and noted he

believes the desire would be for the level to be between the two output flows. He remarked the maximum he would like to see the flow is the bottom of the beaver box. The Commission expressed agreement.

Chairman Tenhave noted GZA's recommendation for this particular location, because the level will change, for beaver to be trapped in advance of the project. It is believed by removing the current colony of beaver a new colony would come in with the lower level, and would believe that to be the appropriate level. It is hoped that would keep the beaver from building it back up. Councilor Mahon noted the need for trapping would add to the time requirement.

Chairman Tenhave stated his desire not to trap and see what occurs. If the current colony behaves as has been suggested, the Commission could react to that at that time. Commissioner Boisvert suggested, once at the new level, the deceivers would discourage, although not stop, the beavers from building the level back up. Commissioner Perry stated his preference would also be to reduce the water level without first trapping the existing colony, understanding trapping may be a required step in the overall process. Councilor Mahon commented the Commission is viewing trapping as a last resort; however, not placing itself in a position of precluding that option should it become necessary.

Commissioner Perry commented, as has been proven in the Mitchell Woods area, trapping alone is a short-term solution. Acting Town Manager Micali noted the question could be posed of the contractor. Councilor Mahon questioned what would occur if the contractor wished for the beaver to be removed prior to installation of the equipment. The response was that such a request would have to be discussed by the Commission. Chairman Tenhave noted relocation cannot be done at this time of year, and it has been stated relocation does not work.

The consensus of the Commission was to move forward with the recommendations for #18 Mayflower Road, and obtain a quote and timeline for project completion. The water level, upon project completion, should be between the two flows.

Numbers 10 and 22 - Greens Pond Road; GZA's recommendation for #10 is for culvert maintenance and consideration of an easier to maintain structure if replacement is required in the future and for #22 a round fence at the inlet to Greens Pond Road for easier maintenance. Vice Chairman Caron stated #10 to be the ring drain that is on the west side of Naticook Road and Number 22 the flow that goes under Naticook Road.

Vice Chairman Caron commented he has seen work being done to clean the existing drain, and immediately upon completion, beaver are back at work. Commissioner Perry noted the recommendation is for a 6' round fence. Vice Chairman Caron remarked this area would be ideal for placement of a deck on top of the fence. It was noted structures are custom built onsite and dependent upon restrictions of the individual locations. The water level was discussed and the suggestion made that it be lowered to the level of the existing bottom drain noting Naticook Road has a good deal of linear cracking along the curve indicating the underlayment is slowly getting soft.

Commissioner Perry noted one of the areas is the culvert, which is plugged from the dam side due to the size of the grate and the ability for beaver to get sticks down into the culvert. Vice Chairman Caron questioned if that is repairable. Commissioner Perry remarked Mr. Jacobs has stated the culvert is cleaned a few times a year. Successful use of the ring fence would eliminate that need resulting in a cost savings for the Town. Vice Chairman Caron noted the area also directly impacts the trails on the Greens Pond parcel.

Chairman Tenhave questioned the will of the Commission with regard to whether Town employees should be asked to construct/install the equipment. Councilor Mahon suggested there may be cost savings that could be achieved by outsourcing each of the initial projects as a single, larger contract. Chairman Tenhave stated his preference to contract out the high priority/more complex areas, and utilize those projects as a training tool for Town employees.

The consensus was to include parcels 10 and 22 in the quote being requested.

Number 11 - Hitchin Post Lane; GZA's recommendation is a Flexible Pond Leveler with round fence in large dam to maintain water level. Chairman Tenhave questioned whether the situation is impacting residents. Commissioner Perry stated his belief there are no impacts to residents at this time; however, if the dam were to get much higher it could encroach on private property. He noted he last visited the area a month ago. At that time, residents he spoke with did not express concerns. Commissioner Boisvert suggested this area could be addressed at a later time. Commissioner Perry suggested the area be reviewed noting high water is coming with recent and anticipated rain, and it would be worthwhile to see how it is responding at that time.

The consensus of the Commission was to postpone action on this parcel until the spring/summer when additional information is known/training received.

Number 20 - Carrie Drive/Madison Lane; GZA's recommendation is a Flexible Pond Leveler in the major dam and trapping on a rotational basis due to septic system failure and landowner liabilities. Commissioner Perry noted the area was trapped rather extensively last season, which was working until a few weeks ago when it was noted the area where the damming had occurred previously has been moved back to the end of the pond (near new wells). The water level there is up 18-20" above the beaver box. Instead of having the dam right behind Madison backing up that little stream, the beaver have now gone to the outlet of the pond and backed up the entire pond. It is a large body of water that has become quite deep. Residents have been impacted (septic tanks). Acting Town Manager Micali questioned the desire of the Commission with regard to the recommended trapping. Commissioner Perry stated the issue in the area of Carrie Drive and Madison Lane is a result of beaver activity in Mitchell Woods.

Number 35 - Mitchell Woods/Profile Drive; GZA's recommendation is a Flexible Pond Leveler and round fence in the primary dam and trapping due to septic system failure.

Commissioner Perry reiterated beaver activity on Carrie Drive/Madison Lane seems to have been addressed by the trapping that occurred previously. If addressing Number 35, Number 20 should be able to be limited to periodic review.

Chairman Tenhave commented as Numbers 20 and 35 are uniquely tied together, the thinking is to address Number 35 and wait on Number 20. Commissioner Perry stated agreement.

The consensus was to include parcel 35 in the quote being requested.

Number 17 - Mast Road. GZA's recommendation is a Flexible Pond Leveler, immediately, in the dam adjacent to Mast Road and Beaver Deceivers at the culvert inlets, if activity increases. Commissioner Perry suggested the parcel could be an area where the Town could conduct the work, e.g., notching the dam and placement of piping, etc. He suggested Commissioners review the area and discuss it at the next meeting.

Number 15 - Continental Blvd., Joey Road, Chairman Tenhave noted most of the dams in there are on private property. The Town has a sewer easement on the property. GZA's recommendation is a Flexible Pond Leveler in the primary dam if flooding is impacting residents. Commissioner Perry noted the landowner appears to be very willing to address the issue, and suggested the Commission discuss that with the landowner.

Number 23 - Naticook Road Extension; GZA's recommendation is a Beaver Deceiver to promote fisheries and limit maintenance. The current grate limits flows. Commissioner Perry stated there is a small bridge in the area and two culverts that travel under it. He believes Town personnel clean the culverts regularly. He suggested the Commission have someone review the area. Chairman Tenhave stated his opinion that parcel is a good one for the contractor as the design of the Deceiver is a completely different design from the round one. He believes there to be a good opportunity for training with that parcel.

The consensus of the Commission was to include parcel 23 in the quote being requested.

Chairman Tenhave remarked the priority of the Commission is Mayflower Road; however, the contractor has the available time and would like to conduct additional projects this fall that could be beneficial. It will be necessary to determine whether or not there would be cost savings through combining the higher priority parcels. Commissioner Perry suggested the contractor be asked to price out each parcel/project separately and identify any economies of scale that could be gained.

Number 16 - Lyons Road; GZA recommends a Beaver Deceiver at Lyons Rd, and a Flexible Pond Leveler in the primary dam to protect school property. Chairman Tenhave noted this parcel would have to be addressed through a discussion with the School District. He questioned the will of the Commission with regard to beginning discussions with the School over the winter months so that the area could be addressed in the spring. The Commission stated a desire to proceed in such a fashion.

Number 30 - Wildcat Falls Trail SW pond off Hemlock Drive; GZA recommends a Beaver Deceiver at the stormwater pond outlet for exclusion. It is believed muskrats are responsible for the situation not beaver.

Ms. Karen Labonte, Chairman, Wildcat Falls Sub-Committee, stated it is beaver causing the problems in the area. She stated there are two trees at the entrance (by gate) that have gone down and been taken into the pond. She noted the prior week subcommittee members pulled another tree right off of the main trail. The trees have been marked by the beaver (spikes).

Chairman Tenhave noted access to the area is easy. The Town has all of the plans regarding the manmade structure. He suggested that area could be a project taken on by Town personnel. Vice Chairman Caron commented the overflow is designed in such a way there is almost a third level; dam, overflow, and spillway. Even if water reached the spillway it would not have any significant impact.

Ms. Labonte noted some of the residents have expressed concern with spring runoff and the potential for it to back up. When asked, she stated she has seen the beaver swimming in the detention pond. The first culvert was blocked up this spring; however, it has been addressed on several occasions. The box is completely blocked. Ms. Labonte spoke of having seen a beaver and more recently beaver activity.

Commissioner Perry suggested a solution could be similar to the planned work at Mayflower Road for the drainage basins (not the dam itself), and suggested the area should be watched as a project to be addressed by Town personnel. Chairman Tenhave agreed Mr. Jacobs could be asked to review the area, and perhaps, after having the opportunity to witness the work being performed at Mayflower Road, could address this particular area. Chairman Tenhave remarked, as a manmade structure with easy access, Public Works personnel could be asked to clean the culvert/box. Chairman Tenhave stated the Public Works Department would be asked to review the area, address what can be addressed at this time, and perhaps, later down the road, install a Deceiver. Acting Town Manager Micali stated he would discuss it with Mr. Jacobs to determine what the timetable might be. He added there is no harm in obtaining a cost estimate from the contractor for comparison purposes if nothing else.

NEW BUSINESS - None

OTHER BUSINESS

- Request from Mark Taylor, 225 Naticook Road, for remove of trees located on Fields Farm (formerly Ireland Property). Trees are leaning over the stone wall and his property. He is concerned some of the trees could come down. Chairman Tenhave informed the Commission he visited the area, which is comprised of fairly large maple trees; 1 cluster of 3 and another on its own. The cluster of three has one leaning into Commission property and the other two into his property. One 1 that stands alone had a large limb, which cracked and broke off. The tree is leaning, 30-40', and will likely rot. Mr. Taylor is interesting in knowing if the Town will address the removal of the trees to allow for improvements he would like to make to his property.

Acting Town Manager Micali informed the Commission Mr. Jacobs met with Mr. Taylor earlier in the day, reviewed the sites, and has stated removal would require a contractor, given the size of the trees and the manner in which they are leaning.

Commissioner Boisvert questioned whether the property owner was interested in performing the work. Councilor Mahon stated he, as a member of the Town Council, is not interested in having a member of the public performing work on public property. He spoke of the danger involved in such a project.

Chairman Tenhave stated the property owner has expressed to him an interest in the wood should the Commission not have an interest in retaining it. Acting Town Manager Micali stated he is aware hardwood is getting a better price than Pine; however, not knowing how much is there he is unaware if the contractor could provide a more favorable cost if allowed to keep the wood. Commissioner Perry questioned if the wood would be intended for a use other than chip. Chairman Tenhave stated his belief there may be fire wood quality wood to be gained, but not necessarily board feed. Acting Town Manager Micali remarked if the Town were to take the trees down, the hardwood would be left by the side of the road for anyone interested. Chairman Tenhave stated there is the option of having everything dumped on the other side of the stone wall and left on Commission property; however, it would not be visually pleasing. When asked, he stated his estimate the tree closest to Amherst Road is 75-100' in. The individual(s) performing the work would have to travel around Mr. Taylor's driveway and into the lower level of his property.

The consensus of the Commission was to authorize the Town to engage its contractor to perform the work, to request that cost saving measures be utilized such as allowing the contractor to retain the wood

product to offset the cost of the project, and, if resulting in a cost savings, to chip the wood on Town property, and that the Commission be invoiced for the cost.

- Trail Stabilization Project at Grater Woods

Chairman Tenhave stated the work has been completed. Vice Chairman Caron remarked the surface is slightly softer than he believed it would be. Commissioner Boisvert echoed those comments. Vice Chairman Caron added the Red Maple Trail was slightly softer than he believed it would be compacted, and this area at Grater Woods is even softer. The Red Maple Trail did not have much change; however, in the spring there was some wash. What will occur at this site in the spring remains to be seen. He noted this area has a great many more steep slopes. Commissioner Boisvert added it is softest in the area on Beebe Lane where it goes off to the wildlife opening because it did not have the traffic of the construction vehicles. He remarked in the timeframe of just the weekend it appeared chewed up. Vice Chairman Caron informed the Commission he witnessed a few ATVs entering areas posted no ATV use. Just from them turning in there, it has created a small berm.

Chairman Perry stated he had been under the impression the swales on either side of the road were to be cleared. Parts of them were, but he was expecting it to be cleared more. Chairman Tenhave responded all of the large material had been removed from the swales. He compared it to pictures he had taken previously. He acknowledged there remains plant growth in the swales. He noted the specifications were to 11'. Commissioner Perry stated he had measured it, and the 11' was adhered to.

Vice Chairman Caron commented there is an area in the Red Maple Trail, which he requested be looked at again, and the contractor returned stating the area was fine when the swale was clearly plugged with what had slid down. Commissioner Perry stated his belief the entrance from the ballfield up to the first hill would be addressed as well (transition from pavement to rock). He had believed that area and the section of the Gateway Trail to be the two school sections that were to be addressed. Only the Gateway Trail section was addressed. Chairman Tenhave commented he noticed the area was a lot smoother than previously.

Commissioner Boisvert questioned whether material was removed from the area on the Gateway Trail just before the corner of the wildlife opening (borrow put). Commissioner Perry stated that was done previously. He noted there was a good deal of material taken out of the area causing an area to slide down, which does appear to have been excavated. Vice Chairman Caron remarked that is the same thing that happened on the Red Maple Trail, which was said to be okay. He noted his disagreement with that assessment.

Commissioner Boisvert commented the contractor did a larger area than he had anticipated (up into Wildlife Area 1). Chairman Tenhave agreed he noticed the area of Beebe Lane to be soft. His impression is a lot of that will harden up over the first winter; once there is the snow pack and freeze, it locks it all together. He noted the area discussed on the Red Maple Trail is a lot harder now than it was after it was first done. Commissioner Perry stated agreement.

Acting Town Manager Micali informed the Commission he would be meeting with Mr. Powers, on a separate matter, on Wednesday, and questioned if the Commission wished for him to relay concerns. Vice Chairman Caron stated Mr. Powers has returned to the area to view the swale, and did not express any concerns. Vice Chairman Caron remarked he saw the area in the spring and water was flowing right over the road. The swale was designed so that water does not flow over the road.

With regard to the trail stabilization project, Chairman Tenhave stated he brought to the area with him the requirements of the bid so that he could determine if the minimum requirements were met. His impression is that the minimum requirements were met. Commissioner Perry remarked it would behoove the subcommittee to continue to clean the swales as part of a yearly project. Chairman Tenhave suggested a request be made of the Public Works Department to enter the area yearly with a roadside cutter. They could achieve the desired results within an hour's time. Commissioner Perry noted he had contacted Mr. Jacobs and requested the department address Mitchell Woods, which it did. Chairman Tenhave suggested if such projects were added to the list of annual maintenance items of the department it could save a great deal of money down the road.

- Police Funding for Patrols on Conservation Property

Chairman Tenhave spoke of back and forth discussions with the Police Department regarding patrols in Grater Woods to address ATV issues. The Police Department has indicated monies are not available within their operating budget for additional patrols. The Department and Town Counsel have indicated conservation funds

could be utilized to cover such an expense. Chairman Tenhave suggested the topic be discussed further at the Commission's next meeting at which a representative of the Police Department could be invited to identify the type of form that could be utilized to identify work being completed, etc. He questioned the will of the Commission.

Councilor Mahon noted the department receives grant funding on a yearly basis for such activities. Chairman Tenhave commented the grant is not sufficient to allow the department to do a reasonable job. Councilor Mahon added the department has the forms to be able to provide information as to what they have done, how long they have done it, and results achieved.

Vice Chairman Caron stated his preference to have police presence on the trails, and suggested an officer on a bicycle would be sufficient.

The consensus of the Commission was to invite a representative of the Police Department to a future meeting to further the discussion, and that a request be made for information to be provided, at that time, as to what the department would recommend with regard to the number and types of patrols that would be appropriate as well as associated costs.

- Budget and Finances

Chairman Tenhave spoke of the proposed budget for FY16, which mirrors that which was approved for FY15 with the exception of an increase to the cost of dues to the New Hampshire Association of Conservation Commissions (\$963 from \$875). He noted he has not seen the most recent Lay Lake Monitoring invoice or the results of this year's testing. Chairman Tenhave stated his intent to request the line item for the annual dues be increased to \$963.

Chairman Tenhave spoke of interviewing Ms. Cynthia Glenn for a position on the Commission, noted she has accepted the nomination, and her appointment will be before the Town Council at its next meeting. Ms. Glenn stated a desire to attend the Annual New Hampshire Association of Conservation Commissions meeting being conducted on November 1, 2014.

The Commission approved the expenditure of the cost associated with Ms. Glenn's attendance at the Annual New Hampshire Association of Conservation Commissions meeting.

- New Hampshire Association of Conservation Commissions Annual Survey

It was noted the survey appears to be something that should be addressed after the Annual meeting. The survey will be included on the next agenda for discussion.

- Piscataquog Land Conservancy Regional Trust

Vice Chairman Caron stated a meeting has been scheduled with Mr. Wells, Executive Director, for the following week. A location has not yet been determined.

- Eagle Scout Project; Construction of Two Bridges Within Grater Woods

Vice Chairman Caron stated he has been in contact with Evan Petrie, Scout Troop 48, and been informed the fundraising efforts have completed and the permit applications will be finalized this week. It is hoped the bridge project will begin and be finalized in early November.

- Grater Woods

Vice Chairman Caron informed the Commission of the completion of the Brickyard Trail; bridges and boardwalks are complete as well as trail markings. An additional post is needed for Wildlife Opening 1 to mark where it goes to Gateway Trail. Commissioner Boisvert stated his belief the map does not accurately identify the location of the Brickyard Trail. Vice Chairman Caron noted the maps are in need of updating.

Vice Chairman Caron stated during the entire time spent completing the bridges, firearms could be heard being discharged in the area of Wilson Hill. Commissioner Boisvert commented one of his neighbors has complained of shooting. He too has heard it at the cul-de-sac beaver pond. He added one would expect hunters to make a few

shots; however, what was reported was shooting going on for an hour or so. During this particular incident Commissioner Boisvert went towards the area to discover a police officer had already been contacted and was on scene. The officer located the individual responsible. Once the individual left the property the officer did as well. Chairman Tenhave stated the need to differentiate whether the activity occurring is hunting as that activity is allowed, understanding all hunting rules have to be adhered to. Vice Chairman Caron spoke of being in the area for a three-hour timespan during the entirety of which he could hear firearms being discharged. Commissioner Perry commented on having picked up 50 caliber shells in the area. Vice Chairman Caron spoke of being provided with photographs of individuals having placed what appear to be election signs up into the trees, and utilizing those as targets. It was noted the area is posted. Chairman Tenhave suggested the need for additional police patrols.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. October 6, 2014

The following amendments were offered:

Page 1, Line 55; replace "The" with "This"
Page 2, Line 34; replace "guide" with "guyde"
Page 5, Line 9; replace "fences" with "devices"
Page 5, Line 11; add a "," after the word "fence"
Page 5, Line 30; replace "tension" with "detention"
Page 5, Line 31; replace "grade" with "grate"
Page 7, Line 26; correctly the spelling of "reaching"
Page 4, Line 2; replace "heronries" with "heron rookeries"
Page 1, Line 15; remove "Commissioner Lehman"
Page 1, Line 24; note Commissioner Lehman has resigned"
Page 3, Line 40; replace "muds" with "mud"
Page 4, Line 15; replace "it" with "is"
Page 4, Line 24; add the words "are found," between the words "if new dams" and "that data"
Page 5, Line 25; delete "(copy attached)"
Page 5, Line 26; start a new paragraph beginning with "Area 11"
Page 6, Line 4; amend the first sentence to read: "Area 30, Wildcat Falls Trail SW Pond off Hemlock Drive is a storm water pond."
Page 6, Line 54; add "\$" before "21,000"
Page 7, Lines 52 and 53; insert blank line
Page 8, Line 36; add "the" between "forwarded to" and "Commissioners"
Page 8, Line 42; add "has" between "he" and "been"

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

4-0-1

Councilor Mahon Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS - None

ADJOURNMENT

**MOTION BY COUNCILOR MAHON TO ADJOURN
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
5-0-0**

The October 20, 2014 meeting of the Merrimack Conservation Commission was adjourned at 8:50 p.m.

Submitted by Dawn MacMillan