



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

MAY 6, 2013

MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, May 6, 2013 at 6:35 p.m. at the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Thomas Lehman
Gage Perry
Simon Thomson
Eber Currier, Alternate
Councilor Thomas Mahon

Members of the Commission Absent: Matt Caron, Vice Chairman
Ron Davies
Robert Croatti, Alternate Member

Also in Attendance: Debra Huffman, Secretary, Town Center Committee
Karen LaBonte, Wildcat Falls Sub-committee

Chairman Tenhave appointed Alternate Member Currier to serve as a voting member in the absence of Vice Chairman Caron.

PUBLIC COMMENT - None

APPOINTMENTS

1. Town Center Committee, Discussion on Souhegan River Walk

Members of the Town Center Committee to discuss with the Commission the Souhegan River Walk, the NH DOT parcel and Wildcat Falls Conservation Area.

Ms. Debra Huffman, Secretary, Town Center Committee (Committee), commented for many years the Town of Merrimack has been trying to improve the Town Center. To that end, there have been various plans, a design charrette, and the formation of the iTRaC Committee, which produced the Town Center Plan (Plan). The Plan was accepted by the Town Council. The Town Center Committee was later formed and charged with bringing the Plan to fruition. Ms. Huffman noted the Committee consists of representation from the various Town entities, e.g., business community, Chamber of Commerce, Conservation Commission, Planning Board, etc.

The Committee is in the planning process for the Souhegan River Walk; a trail that traverses the north side of the Souhegan River and connects Watson Park with Wildcat Falls. She provide members of the Commission with a map depicting the location of the planned trail; from Watson Park, under the highway/Sluiceway, next to the fire station, across a small bridge (yet to be constructed), along the north side of the Souhegan, crossing what is currently school property (in process of obtaining an easement), under the highway, to an area of 55.9 acres of land owned by the New Hampshire Department of Transportation (NH DOT), after which the trail enters the Wildcat Falls Conservation Area.

Speaking with regard to the NH DOT parcel, Ms. Huffman noted sand and gravel from the parcel were used in the construction of the F.E. Everett Turnpike, and, over the years, the wetlands on the parcel have grown. Discussions have begun with the NH DOT regarding how the parcel can be crossed (options include easement and purchase). The Committee does not have funding available to consider purchase; however, believes another entity could consider such an option. She spoke of the size of the parcel, the wetlands onsite that drain down into the river, and the current use of the parcel, e.g. runners from the High School, dog walkers, etc.

Ms. Huffman stated the purpose for coming before the Commission was to provide an update of the work being conducted by the Committee and to establish a connection with the Wildcat Falls Committee as, assuming all of the proper easements/purchases are made, the Committee would need to work in conjunction with the Wildcat Falls Committee.

She questioned whether the Commission has a particular interest in the parcel and/or what activities take place on the parcel, or the trail as a whole. Commissioner Thomson questioned the corner parcel depicted on the map. Ms. Huffman stated that to have been a mapping error, and noted the line depicting that separation would be removed. She stated her belief once the stream/wet area is crossed the area is school owned.

When asked about the proposed trail width, Ms. Huffman suggested it would have to be 6' wide to accommodate use by the cross country team. Commissioner Lehman questioned the ability to gain an easement from NH DOT. Ms. Huffman noted the NH DOT provided an easement and assisted in the crossing under the highway, which leads to the parcel; therefore, the assumption is they would be amendable to providing an easement to cross the property. Preliminary discussions have started and NH DOT is interested in talking with the Committee. The Committee has met with the Town Manager, Eileen Cabanel, Rick Seymour, Director of Public Works, and Kyle Fox, Deputy Director of Public Works. Those individuals will be spearheading/managing the discussion with NH DOT. However, until all interested parties are known, those discussions will not take place.

Ms. Huffman reiterated, with the Conservation Commission owning abutting property, there is belief the Commission may have an interest in the parcel. When asked if there were other options, she suggested the possibility the bottom third of the parcel may be considered for acquisition to accommodate the trail. She reiterated the wetlands have expanded over time, and she is unclear as to whether the property can continue to serve as a borrow pit.

Councilor Mahon informed the Commission the Town has inquired about the parcel over the years, sometimes at the urging of the High School and sometimes of its own accord. Prior to the rebuild of the bridge, the NH DOT had continued to state a desire to retain the property until the widening of the turnpike was completed in case they needed to continue to pull gravel from the parcel. He suggested another option would be for the school to purchase the parcel. Ms. Huffman stated her belief that would not occur. Councilor Mahon agreed it is not likely; however, reiterated it is an additional possibility, and touched upon the benefit the school gains from access to the parcel. Councilor Mahon suggested the timing is favorable due to the State's financial condition. Ms. Huffman noted the State has indicated an interest in selling excess property; however, mention was made to Deputy Director Fox there is interest in an easement that includes language allowing continued use of the burrow pit at which time the trail would have to be closed. She reiterated discussions to date have been preliminary in nature.

Ms. Huffman spoke of the available tax information on the parcel (previously assessed at approx. \$300,000) and noted, after review of the parcel, the Town Manager has stated, due to the topography (steepness and increased wetlands), the parcel is now assessed at just over \$100,000. Councilor Mahon commented based on his conversations with the DOT Commissioner, mainly on the issue of the toll plaza in Bedford, they are looking at beginning the widening project in 2015/2016. Chairman Tenhave spoke of the PSNH easement and the width of the easement, which goes right through the middle of the property and includes restrictive language. He noted, as you get closer to the wetland area and the north end of the property the opportunities for borrow pits are very limited.

Chairman Tenhave stated he has made his opinion very clear; he believes the Commission should seize an opportunity to gain ownership of the parcel. He questioned the will of the Commission with regard to pursuing purchase of the parcel with a fallback plan of pursuing an easement. Commissioner Currier stated his opinion outright purchase would be ideal given its location (contiguous to Wildcat falls). He questioned whether there would be restrictions to access for any portion of the 6' trail/path.

Ms. Huffman stated there would be a restriction with regard to motorized use; a majority of the path is on school property, which does not allow motorized vehicles, Watson Park does not allow motorized vehicles, and Wildcat Falls does not allow for motorized use. She added bridges would need to be constructed to withstand the weight of a horse should individuals choose to utilize the trail in that fashion understanding the height of the bridge would require the rider to dismount. Chairman Tenhave noted there would also be hunting restrictions on school property, within Wildcat Falls, etc.

Ms. Huffman spoke of the improbability the parcel could accommodate any type of construction due to its topography and noted NH DOT does not pay taxes on the property; therefore, purchase by the Town would not result in a parcel being removed from or eliminate the possibility of it being added to the tax roll. Commissioner Perry noted, through ownership, a timber harvest project could result in revenue to offset the cost of purchase, etc.

Commissioner Lehman questioned the disadvantage of simply seeking an easement. Ms. Huffman responded for the Committee there is very little disadvantage as their real interest is in the trail. For the Town as a whole, ownership would bring with it a great deal of benefits, e.g. recreational value, wetland protection, etc. Commissioner Lehman suggested it is not likely the property would be developed regardless. He spoke of the desire to run a trail through the property and questioned why the Town would wish to expend additional monies on purchasing the parcel, especially given it is not likely to be developed. Chairman Tenhave responded the parcel includes an intensive wetland area, is utilized by wildlife, and is extensively used by both residents and non-residents. Although the property contains numerous trails, the State is not managing the property and individuals are conducting whatever activities they choose on the property. If owned by the Town and combined with Wildcat Falls there would be more control of the type of activities occurring and the ability to potentially prevent harmful events from taking place. Commissioner Perry spoke of a fire that occurred about 5 years ago.

Commissioner Lehman stated his belief the NH DOT would likely be amenable to having a party such as the Conservation Commission manage the property. When asked if he had any concern(s) beyond the cost of purchase, Commissioner Lehman responded he is aware the Commission has the funds necessary and an outright purchase would seem both appropriate and the most efficient route to take; however, questions whether outright purchase of this parcel would be a priority, given the particulars, e.g., not likely to be developed, etc., if the financial resources were not readily available. He stated he would support the decision of the majority of the Commission. He suggested the NH DOT may welcome the Commission managing the property under the terms of an easement.

Chairman Tenhave commented, as detailed discussions have not taken place, there is no known cost of purchase, and it may prove less expensive to purchase. Commissioner Perry questioned whether an easement would be sought for the area where the trail is proposed or for the parcel as a whole. Ms. Huffman reiterated the main concern of the Committee is the area where the trail would be blazed, which could be handled through an easement. Commissioner Perry suggested the process of attempting to put in place an easement to cover the entire parcel would be difficult, and provided the example of language that may be required such as NH DOT retaining access to the borrow pit, etc. Councilor Mahon noted it would be extensive and require approval by the Governor and Executive Council. He commented he is unsure if that type of concept has been attempted/created anywhere within the State.

Councilor Mahon questioned where the parcel fits within priorities of the Commission for property acquisition. Chairman Tenhave noted the Commission determined, at its last meeting, acquisition of property which would increase the size of an existing conservation parcel or property that protects natural or wildlife resources is one of the five goals the Commission has with regard to expenditure of funds. Although the parcel in question meets the criteria, the Commission has yet to assign priority rank to any potential acquisitions. He reiterated the first step ought to be identification of cost. Councilor Mahon commented recent acquisitions have been the result of situational instances and the Commission becoming aware of available property.

Ms. Huffman clarified although the priority of the Committee is that of the trail, it is believed the trail will be extremely popular and users of the trail system would inevitably be traversing the entirety of the parcel. She spoke of the numerous trails that already exist, some of which are less than ideal due to lack of maintenance. She spoke of the obligation to the users to ensure a safe and pleasurable experience. She remarked, maintenance of the trail system will likely occur, at some level, whether the parcel continues to be State owned or not. She spoke of the ease of performing maintenance tasks up to and including closure of trails if deemed necessary, with ownership. Commissioner Thomson stated his appreciation of the point of view expressed by

Commissioner Lehman; however, remarked acquisition of this particular parcel would meet a lot of the goals established. He suggested this parcel would rank high based upon its characteristics being aligned with goals of the Commission. He stated a desire to be provided with definitive information on cost.

MOTION BY COUNCILOR MAHON TO AUTHORIZE THE CHAIRMAN, OR HIS DESIGNEE, TO ENGAGE IN DISCUSSIONS WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE COMMISSION, ALONGSIDE STAFF AND THE TOWN CENTER COMMITTEE, AND TO DETERMINE THE COST AND VIABILITY OF ACQUIRING THE PARCEL AS WELL AS OTHER OPTIONS THAT MAY BE AVAILABLE

MOTION SECONDED BY COMMISSIONER THOMSON

MOTION CARRIED

6/0/0

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Commission Finances – Vision, Plan

Commission to continue this discussion. Vision statements to be confirmed and a discussion on specific plans and timelines to begin.

Chairman Tenhave spoke of the discussion that took place at the April 15th meeting, during which the Commission agreed to five items to identify the Vision Statement relative to how conservation funds would be expended:

- Strategically expand conservation property in Town where we can build upon current holdings or protect important water or wildlife resources,

Commissioner Currier suggested the Commission create a list of properties of importance to acquire as a means of protecting the watershed and wildlife habitat as well as providing recreational opportunities. Chairman Tenhave stated the intent behind this statement was to purchase property or acquire an easement whereas the theme of the next statement was recreational opportunities. Commissioner Currier stated his concern the language seemed limited by not including future holdings. Commissioner Perry suggested the language speaks to expanding/building upon current holdings, which implies increasing the amount of conservation land. As an example, he spoke of the NH DOT parcel, which, if acquired, would expand upon current holdings. Commissioner Currier noted properties considered for future acquisition are not limited to those adjacent to current holdings.

Councilor Mahon suggested the language was limiting and should be inclusive of watershed protection, etc. Chairman Tenhave commented, it was decided the goals would be built upon the overall vision identified on the website. Commissioner Lehman suggested the first statement be amended to read "Strategically expand conservation property in Town." and that the second statement be amended by adding the words "and wildlife" before the word "opportunities". Commissioner Perry commented the second goal listed on the website states "Increase land acquisition for the protection of open space and natural resources. He questioned whether the intent was to replace the current language. Chairman Tenhave stated the intent was to identify goals specifically focused on expenditure of funds. He suggested the statement could simply be that funds would be expended based upon current goals and a plan developed to meet those stated goals or the current goals could be augmented with goals that are specifically related to expenditures. He stated he would move forward in whichever direction the Commission wished; however, did not believe it sufficient to simply identify projects without providing additional granularity as to the purpose.

Councilor Mahon suggested, when identifying the goals associated with the expenditure of funds, the first goal listed could be broad and encompass several of the current goals listed on the website.

The general consensus of the Commission was to amend the Vision Statement so that the first financial goal identified reads: "Strategically pursue land acquisition for the protection of open space and natural resources."

When asked, Chairman Tenhave stated the Commission had decided not to assign a priority level to the specific goals, but to list them understanding they all had equal priority. Commissioner Lehman stated a desire for the goals to be prioritized.

- Maintain current and provide for expanded recreational opportunities on current and future conservation properties,

Commissioner Lehman stated a desire to amend by adding the words “and wildlife” before the word “opportunities”. Commissioner Thomson suggested use of the words “wildlife habitat”. It was suggested an additional goal could be identified to address wildlife habitat. Commissioner Lehman noted the goals would become prioritized and, when asked, stated his belief wildlife habitat opportunities and recreational opportunities should have the same level of priority, and he would prefer to see them identified as a single item.

Commissioner Thomson stated his opinion the two are separate goals and should be stated separately. Commissioner Perry stated the priority should be balancing the two. Commissioner Lehman suggested an assessment of balancing the two needs could take place when considering property acquisition. He noted State RSA relative to the Land Use Change Tax states the purpose for utilizing such funds to purchase conservation land is for the sake of maintaining the open space for all of those opportunities, e.g., wildlife habitat, land preservation/protection, recreational opportunities, etc. He reiterated his desire for the two issues to be addressed in one statement, which will ensure the two are prioritized on the same level.

Commissioner Currier stated a responsibility of the Commission, which is not covered in the proposed language, is the watershed. Commissioner Perry noted the Commission is responsible for water, wildlife, woods, and recreation; all of which should be encompassed in the language.

Commissioner Currier stated a desire to discuss potential purchases and prioritize parcels which are believed to be most advantageous for purchase. Chairman Tenhave responded the Master Plan identifies priority areas. Commissioner Thomson stated he does not believe, at this point in the process, specific parcels need to be discussed/identified.

Councilor Mahon spoke of opportunities whereby property owners may be interested in the legacy aspect of preserving property and may work with the Commission towards that end. He noted there have been instances, in the past, where the Town was approached by a property owner looking to sell property and discussions came to a close without the parties able to agree upon a price.

Chairman Tenhave brought the discussion back to that of identifying specific goals for expenditure of conservation funds. He noted the discussion of property acquisition could take place at a later date.

The general consensus of the Commission was to amend the second statement to read:

“Maintain current and future conservation properties to:

- ***expand recreational opportunities***
- ***protect and enhance wildlife habitats***
- ***protect and enhance water resources***
- ***ensure proper forest stewardship”***

The general consensus of the Commission was to amend the third statement to read: “Maximize the prudent use of technologies to educate and expand information opportunities about our conservation properties.”

The general consensus of the Commission was to amend the fourth statement to read: “Update plans, maps, and files to have a consistent and comprehensive documentation set for all properties.”

- Identify and initiate additional programs to get the student population outdoors.

Councilor Mahon questioned why the goal would be limited to the student population. Commissioner Perry stated the initial discussion was around funding for programs that utilize areas such as the outdoor classroom; however, the goal is not restricted to the student population, it was simply believed the easiest way to encourage increased use is through student involvement.

The general consensus of the Commission was to amend the fifth statement to read: "Expand community education programs to include getting the student population outdoors."

Chairman Tenhave questioned the will of the Commission with regard to whether or not the statements should be prioritized. The consensus was to give consideration to prioritization at the next meeting. Chairman Tenhave stated he would forward a copy of the amended statements for review with the expectation final language can be agreed upon and prioritization established at the next meeting. After that has taken place, the Commission can move forward identifying specific objectives/projects under each of the statements.

Chairman Tenhave noted he provided the Commission with a list of 12 ideas for objectives/projects as a starting point, and requested Commissioners create their own list (that are in agreement with the five goal statements) and come to the next meeting prepared to discuss future objectives/projects.

NEW BUSINESS

1. Meeting Schedule for the Summer and Early Fall

Commissions to review the meeting schedule as it is today and discuss whether any changes are desired or needed.

Chairman Tenhave noted the Commission has historically scaled the number of meetings back to 1/month during the summer months, and questioned the will of the Commission with regard to continuing that practice.

It was the general consensus of the Commission to amend the current meeting schedule by reducing the number of meetings to one/month for the months of July (7-15), August (8-19), and September (9-16).

OTHER BUSINESS

Commissioner Perry spoke of the Commission's sponsorship in years past of an event conducted at the Middle School during the time period when some students are attending the Washington trip. A Falconer, Rita Tulloh, has brought hawks into the school and performed demonstrations. Commissioner Perry spoke of the success of the program and noted the cost to be in the area of \$300.00. He requested the support of the Commission in continuing to sponsor this event.

MOTION BY COUNCILOR MAHON TO AUTHORIZE THE EXPENDITURE OF THREE HUNDRED DOLLARS (\$300.00), FROM FUND 51, TO SPONSOR THE FALCONER DEMONSTRATION TO BE CONDUCTED AT THE MIDDLE SCHOOL

MOTION SECONDED BY COMMISSIONER THOMSON

MOTION CARRIED

6/0/0

Commissioner Perry informed the Commission students have offered to begin the cleanup process at the Outdoor Classroom, and welcome members of the Commission to participate. When asked, Commissioner Perry stated, in the past, the fee has been paid (by check) on the day of the demonstration. Chairman Tenhave requested an invoice be provided for processing. Commissioner Lehman requested and Chairman Tenhave agreed the Commission be provided additional information on the process that has to be undertaken, e.g., paperwork required, to authorize the release of funds so that each member of the Commission has an understanding of it. Chairman Tenhave stated it to be the completion of a rather simple form. Commissioner Lehman remarked his interest is in better understanding the work required of the Chairman outside of the Commission's meetings.

Chairman Tenhave spoke of beaver activity occurring at a pond (Powderhouse Road) under the responsibility/ownership of the Commission. Commissioner Perry stated there is one residence where the property slopes gradually down to the pond, and there are beaver on the other end. Chairman Tenhave stated the pond came under the ownership of the Commission in 1999. The resident at 17 Powderhouse Road is concerned whenever the water level increases she loses her backyard. Commissioner Perry commented while visiting the site he witnessed a foot elevation in the water is, in some places, almost a 10-12 run onto her property.

The southerly tip of the pond has a man-made outlet near Mayflower Road, consisting of a dam which is built around a large sanitary sewer line that services the Ellie Dr./Jessica Dr. housing development. This dam also serves to prevent a large rush of water from destroying Turkey Hill Road and houses downstream if the beaver dam should let go. When this dam was built, it included two overflow structures that control water out of the pond and through the dam to the Souhegan River downstream. The normal overflow is approximately 5' lower than the emergency overflow, which is in turn lower than the crest of the dam. The initial design took into account the beaver dam that continues to hold back water to a level approximately even with the emergency overflow (the beaver dam is about 50' upstream of the manmade dam).

Chairman Tenhave remarked the beaver have been active and the overall level of the water had risen about 18". With that increase the run became larger. The Public Works Department (PWD), wanting to maintain a level consistent with previous years, installed a water level control "beaver pipe" at the dam, e.g., a pipe that can be installed at a particular elevation, which helps drain water at a slow rate without damaging the dam. The PWD installed two pipes at slightly different elevations to ensure some water level decrease. Chairman Tenhave stated his belief the level is currently 6-7" higher than traditional, but not the 18" higher that it was before these measures were taken.

The landowner at 17 Powderhouse is interested in the Commission finding a water level that provides her more use of her property. However, not all of the residents in the area agree the water level should be lower. Chairman Tenhave spoke of the beaver policy, a copy of which was provided to the Commission (copy attached). He touched specifically upon Section A5 of the policy which states, in part: "Except when an emergency condition exists, where it is necessary to control beaver activity on Town-owned property to protect improvements on private land, the "least-impact" approach shall be followed...." The policy speaks to the installation of water level control devices, which is the definition of beaver pipes. If the pipes are proven ineffective or inappropriate, the beaver dam could be breached, beaver could be trapped, or activities undertaken which affect beaver in their habitat, including, but not limited to, reducing impoundment water levels, removing dams, etc.

Section A8 of the policy states: "Except when an emergency condition exists, the Town department responsible for identifying a beaver-related problem will provide written notice of the problem to the Conservation Commission; the Conservation Commission will address the issue at its next regularly scheduled meeting and make a "determination of responsibility." Chairman Tenhave suggested, as the issue was not specifically identified on the meeting agenda, he did not believe the Commission should entertain a motion to determine responsibility at this time, and suggested the item be included on the next agenda for discussion and action. He noted the Town Manager has recommended the Commission schedule a Public Hearing on the matter.

Commissioner Currier commented the property owner was present at the seedling giveaway and discussed her situation. He stated he visited the property and took photographs. It is his impression the property owner's major concern would be addressed by the installation of a retention wall on the side of her property. He noted the property is not on Town sewer (has a septic tank), but is connected to Town water. Commissioner Currier remarked should the Commission determine a retention wall to be an acceptable resolution, approval or installation would have to be gained from the Wetlands Board (within 25' of the wetland). When asked about the current property owner's history with the property, Commissioner Currier responded, although he is unsure how long she has resided there, she mentioned an instance a few years prior where the water reached the house. When that occurred, she hired an individual to install a leeching mechanism from the side of her house back to the pond.

Commissioner Perry stated a retaining wall would be substantial given the amount of property affected (few hundred feet). Chairman Tenhave questioned whether Commissioner Currier was aware of prior instance(s) where the Commission may have done an improvement on private property to alleviate a beaver problem. Commissioner Currier spoke of an instance where the Commission took on the cost of hiring a professional to capture the beaver when an issue with a septic system arose and another instance where beaver pipes were installed.

When asked if the condition of the property has changed dramatically over past years, Commissioner Currier stated his opinion it has not. He noted his major concern had been with the septic system; however, it is located on the other side of the house and not impacted by the rising water. Commissioner Lehman stated he visited the property and believes it is acceptable, at its current level. Councilor Mahon noted it has not rained in 10 days.

The Commission stated agreement the situation did not rise to the category of an emergency. The issue will be placed on the agenda for the Commission's next regularly scheduled meeting. Chairman Tenhave will notify abutters and place a notice in local newsprint to inform the public of the Commission's intent to discuss the matter and welcome public input.

Chairman Tenhave informed the Commission his term of office as well as the terms for Commissioners Perry and Currier expires on June 30, 2013. If the desire is to be reappointed, it is necessary to provide notice of a willingness and desire to continue to serve to Becky Thompson in the Town Manager's Office. Commissioner Currier stated he has provided notification he would not be seeking reappointment.

Chairman Tenhave informed the Commission the Horse Hill Nature Preserve Sub-committee expended \$121.75 to update the trail maps mounted on the kiosks as well as creating one on a board that can be taken to public outreach events. The sub-committee is seeking reimbursement for that expense. He stated his opinion it is an appropriate expense against the Horse Hill Nature Preserve Fund, which has a balance of a few hundred dollars.

MOTION BY COMMISSIONER TENHAVE TO REIMBURSE DEBRA HUFFMAN THE SUM OF ONE HUNDRED TWENTY ONE DOLLARS AND SEVENTY FIVE CENTS (\$121.75) FROM THE HORSE HILL NATURE PRESERVE FUND

MOTION SECONDED BY COMMISSIONER PERRY

MOTION CARRIED

6/0/0

Chairman Tenhave informed the Commission of his receipt of a newsletter from Commitment & Integrity Drive Results. The newsletter is available for review. He noted Bird Watching in New Hampshire is out; Eric Masterson is taking his bird watching presentation on the road. If interested, contact information is available. He provided, for the public, his e-mail address; TTenhave@MerrimackNH.Gov.

The University of New Hampshire is conducting a Community Tree Farm Day on June 1, 2013 from 9:00 a.m. – 3:45 p.m. There is an \$18 associated fee, which includes lunch.

Karen Mattor, Assistant Scout Master, Boy Scout Troop 424, has provided notification of an event scheduled to recognize Eagle Scout Roshan Tadi, the Scout who provided the kiosk at the Horse Hill Nature Preserve. Chairman Tenhave stated he would be preparing a recognition certificate similar to that provided for previous scout projects. He noted Commissioners are welcome to attend, and requested those interested make his aware. The event will take place at 6:30 p.m. on June 8, 2013.

Chairman Tenhave noted receipt of a few informational pieces from the New Hampshire Department of Environmental Services; Drinking Water & Ground Water Bureau newsletter and an environmental factsheet on vegetation maintenance within protected Shoreland.

Councilor Mahon spoke of a high level of activity within cities and towns, including the Town of Merrimack, regarding the renewal of stormwater permits. The issue will be discussed at the Town Council meeting scheduled for Thursday, May 9, 2013. The Environmental Protection Agency (EPA) has extended the comment period to August. One of the issues was their potential insistence that the Town expend in excess of \$2 million to remediate a problem that was identified 15 years ago and was based on four water samples taken by a graduate student who was doing her summer paper (no recent testing). The Town Council will also be discussing the clearing of easements, which is a project required by the EPA as part of an ongoing maintenance plan.

Councilor Mahon informed the Commission of the completion of the Wire Road Bridge and the expectation the bridge will be open to traffic by Wednesday, May 8, 2013. He noted the bridge is unique, e.g., the only Northeast Extreme Tee (NEXT) Beam bridge in the State, and has an expected lifespan in excess of 75 years.

Councilor Mahon informed the Commission the Finance Director, Paul Micali was approached by a member of the Watanic Bowmen Sportsman's Club. The group does not have non-profit status, and one member has indicated the Club might be willing to offer the property to the Town provided they are allowed to retain use as the Bow Club. He suggested Director Micali inform the individual to contact Chairman Tenhave and the Commission as he believed it most appropriate for the Commission to address the possibility given the property abuts the Horse Hill Nature Preserve.

Councilor Mahon noted the Stewardship Plan for Grater Woods (Plan) was presented to the Council at its last meeting. He remarked a chart was provided by the Right Riders, which indicated they were only gaining a mile of trail, which is not accurate. If the Conservation Commission follows through on its plans to deal with one of the D trails and link them all together, there will be 5.2 miles dedicated for motorized use and 6.2 miles of other trails. He stated access to those trails and the suitability of them to be an issue of timing. Chairman Tenhave noted the Town Council will conduct a Public Hearing on the Plan on June 13, 2013 and continue discussion on June 27, 2013.

**MOTION BY COMMISSIONER CURRIER TO RENAME AN EXISTING OR NAME A NEW TRAIL AT THE HORSE HILL NATURE PRESERVE AFTER “DEBRA HUFFMAN’ AND TO RENAME AN EXISTING OR NAME A NEW TRAIL AT GRATER WOODS AFTER ANDY POWELL
MOTION SECONDED BY COMMISSIONER PERRY**

ON THE QUESTION

Chairman Tenhave suggested the request be put to the two sub-committees for recommendation back to the Commission. Commissioner Currier noted the sub-committees were not in place when these individuals made the commitments they did towards acquiring the properties, etc. It was agreed the sub-committees would be requested to provide a recommendation back to the Commission with regard to which trail(s) would be most appropriate.

**MOTION CARRIED
6/0/0**

Chairman Tenhave informed the Commission he has received some information of another area where beaver activity is occurring. Once he has additional information he will forward it along.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. April 15, 2013

The following amendment was offered:

Page 6, Line 17 replace the words “Commission Thomson” with the words “Commissioner Thomson”.
Page 4, Line 22; replace the word “appropriation” with the word “appropriate”

**MOTION BY COMMISSIONER TENHAVE TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER MAHON
MOTION CARRIED**

5/0/1
Commissioner Lehman Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Currier commented the seedling giveaway was a successful event. All of the seedlings were passed out. Karen Mattor was the last one in and took the remaining seedlings. She is coordinating, with the Scouts, plantings at the Horse Hill Nature Preserve and Grater Woods as well as another project. He stated his belief those that attended appreciated the efforts of the Commission in conducting the event, and Councilors who attended had an opportunity to talk with members of the public.

Chairman Tenhave noted he and Commissioner Perry walked around the Wasserman conservation parcel the previous day. They took GPS markings for the area they walked. A few property markers were found to be down and some roadside trash was noticed. In general, all of the trails they walked were open, some of which had been opened with machinery. They were able to see where there had been some activity around the dam with the Naticook Brook leading out of the lake. In general, the property is in good shape. He noted they came across an invasive population (Burning Bush); likely a few acres in size. Chairman Tenhave will prepare a write-up for the State, which will be accompanied by photographs. All members of the Commission will be copied.

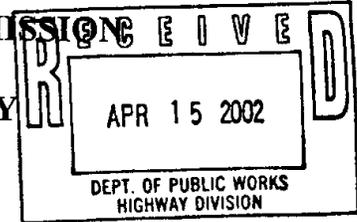
ADJOURNMENT

**MOTION BY COMMISSIONER PERRY TO ADJOURN
MOTION SECONDED BY COUNCILOR MAHON
MOTION CARRIED
6/0/0**

The May 6, 2013 meeting of the Merrimack Conservation Commission was adjourned at 9:05 p.m.

Submitted by Dawn MacMillan

MERRIMACK CONSERVATION COMMISSION
BEAVER MANAGEMENT POLICY
REVISED 3/25/2002



BACKGROUND

It is believed that beaver have inhabited much of New England beginning at the end of the last ice age and the subsequent re-emergence of forested lands. During colonial times, vast amounts of forestland were cleared for agricultural pursuits, ship building and other building materials. This clearing activity combined with beaver trapping drove the beaver population into more remote regions that were less influenced by man.

Because of declining agricultural operations over the last hundred years, forests have returned to a place of prominence in the state. Along with this return, a burgeoning beaver population has developed in urban areas and consequently an increasing number of complaints are being received at various town offices. This may rightly be viewed as a classic confrontation between man and nature. Ironically, the cycle is repeating itself and beavers are once again under pressure to give way to man. Rather than clearing land for agriculture, the forests are being eliminated because of commerce, industry, roads and housing developments, which today we call "urban sprawl." Beavers are not doing anything that they have not done for thousands of years. However, where there is conflict, the beaver's activities are often viewed as a nuisance and occasionally can raise health concerns.

One of the responsibilities of the Conservation Commission is to educate the public about the preservation of wildlife and habitat. However, solving neighborhood problems caused by the activities of beavers can appear to go against conservation and can create a larger, negative image that can cause misunderstandings and a breakdown in communication. The Beaver Management Policy set forth below is intended to provide guidelines for balancing the beaver's needs with those of man.

POLICY

***Goal:** Beaver and their habitat found in the Town of Merrimack shall be protected to the fullest extent possible and will be controlled through the use of sound wildlife management techniques consistent with State law.*

***A. Objective:** To share responsibility for the control and management of beaver by the private and public sector.*

1. Beaver and the effects of their activity, including felling trees, building dams and lodges and flooding of adjacent land, are presumed to be the responsibility of the landowner(s) on whose land the activity occurs.

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2. Except when public improvements are either damaged by floodwater or are threatened by rising water that is caused by beaver activity, the Town shall not enter upon private property to control beaver or curtail their activity.
 3. Where public improvements are being damaged by impounded water and it is necessary to enter upon private property to take steps necessary to secure said improvements, Town representatives shall first make reasonable efforts to contact the property owner(s) prior to entry. When public improvements are being threatened by rising water, Town representatives shall first consult with the landowner(s) prior to taking any action.
 4. When improvements on private property are being damaged by flood water or are being threatened by rising water as a result of beaver activity occurring on Town-owned property, the Town shall take steps as necessary to protect said private improvements.
 5. Except when an emergency condition exists, where it is necessary to control beaver activity on Town-owned property to protect improvements on private land, the "least-impact" approach shall be followed and may consist of the following:
 - Water level control devices may be installed.
 - If water level control devices prove ineffective or inappropriate, the beaver dam or other obstruction may be breached to reduce the water level. If practical, only a portion of the obstruction shall be breached which facilitates the lowering of water level necessary to secure private improvements.
 - Beaver may be trapped on an annual basis on Town-owned properties, to maintain a stable population in these areas.
 - Activities undertaken which affect beaver and their habitat, including but not limited to, reducing impoundment water levels, removing dams, trapping or destroying beaver and other such similar activities shall be conducted pursuant to local, state and federal laws which regulate these animals and their habitats.
 6. All costs incurred to control beaver and their activity that occurs on private property shall be borne by the landowner(s).
 7. All costs associated with the control of beaver and their activity that occurs on private land that impacts or threatens public improvements shall be borne by the Town. The appropriate Town department shall make the final decision as to whether a threat exists to public improvements.
 8. Except when an emergency condition exists, the Town department responsible for identifying a beaver-related problem will provide written notice of the problem to the Conservation Commission. The Conservation Commission will address the issue at its next regularly scheduled meeting and make a "determination of responsibility." The Conservation Commission may recommend that the Town department take appropriate corrective action(s) which may entail the removal of beaver by various trapping techniques; the removal of obstructions; and the installation of beaver pipes or similar control structures. The Conservation Commission may determine that the problem is the responsibility of the Town and may engage the services of a licensed trapper to control or
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eliminate the beaver problem. The Conservation Commission may determine that the problem is the responsibility of the landowner and that no action by the Town is appropriate. .

9. Except when an emergency condition exists, hand labor is preferred over the use of backhoes, excavators and the like, to avoid unnecessary environmental damage resulting from the control of beaver and their activity.
10. Where beaver activity are impacting the capacity of a culvert as determined by the Department of Public Works, the Conservation Commission shall conduct, or direct Public Works to conduct, those actions that are required to maintain the drainage courses. These activities may include, but not be limited to, removal of obstructions, relocation of the beaver by live trapping, or destruction of the beaver by conventional trapping procedures. Whenever possible, debris shall be removed from the site.

B. Objective: To maintain and provide current information for the public and Town Officials regarding the management of beaver and their habitat.

1. The Conservation Commission shall maintain a list of local, state and federal departments and personnel, including licensed trappers, where the public and Town Officials/Departments may obtain further information and assistance regarding the management of beaver.
2. The Conservation Commission shall upon request provide to the public, Town Officials/Departments and others, a packet of information containing current local and state laws pertaining to beaver; a list of licensed trappers, and state and federal agencies involved in beaver management and other information that may be added from time to time.

C. Objective: To mitigate the building of beaver structures and potential flooding of Town-owned lands.

1. Upon receiving a formal complaint regarding nuisance beaver activity on Town-owned lands, the Conservation Commission shall evaluate the effect on the site and other abutting parcels; examine detailed site map (s) and visit the site to determine the scope of the issue.
2. Regarding mitigation, the Conservation Commission shall consider the following alternatives:
 - Taking no action;
 - Installing properly designed "beaver pipes;"
 - Removing the beaver dam which may require a wetlands permit;
 - Relocation of the beaver by live trapping; and
 - Removal of the beaver by conventional trapping procedures.

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4. The Conservation Commission shall consider and attempt all available and feasible alternatives prior to having the beaver removed by conventional trapping procedures.
5. Mitigation procedures shall be protective of domestic animals (pets) and children.