



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MERRIMACK CONSERVATION COMMISSION

OCTOBER 7, 2013

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, October 7, 2013 at 6:31 p.m. at the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

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

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

Also in Attendance: Andrew Duane, Wildcat Falls Sub-Committee member
Bob Craycraft, UNH, Lakes Lay Monitoring Program

Chairman Tenhave noted alternate member, Lauren Kras was unable to be in attendance, and would be excused. He spoke of the start of hunting season and suggested those enjoying the trails consider wearing hunter orange. The Commission's website, Merrimackoutdoors.org, lists properties on which hunting is permitted.

PUBLIC COMMENT - None

APPOINTMENTS

There being no objection, the agenda was amended to allow Mr. Andrew Duane, Wildcat Falls Sub-Committee member, to address the Commission relative to the recently completed bridge project at Wildcat Falls.

Mr. Duane stated the first trail building project was implemented at Wildcat Falls the previous weekend. The project consisted of the construction of a bridge crossing the unnamed creek (approx. 16' x 3') on the new north loop trail, which is being laid out and constructed over the fall and winter. Approximately six volunteers spent 4-5 hours constructing the bridge and a small amount of trail building on either side of the bridge. The two end points of the bridge were constructed significantly above the level for erosion. Reeds Ferry Lumber delivered the materials to the site. Photographs of the completed project have been provided to the Commission. Mr. Duane noted the need for additional backfilling on the north side of the bridge. The area was raised 1.5', and the desire was not to backfill the entire area at one time. Total project cost came in just under \$200.

Commissioner Thomson expressed his gratitude to Mr. Duane, Vice Chairman Caron, and the rest of the volunteers for their efforts. Mr. Duane noted the Sub-Committee is in search of additional volunteers and possibly additional members. A notice has been placed on the kiosk providing contact information for anyone interested.

1. Lakes Lay Monitoring Program – Bob Craycraft

Bob to meet with the Commission to discuss what the program is all about and how the Commission and Town can use the outcomes of this program.

Mr. Craycraft provided a PowerPoint presentation. He spoke of the natural process of becoming more nutrient rich, which occurs with all lakes. The deeper lakes have sparse plant growth, low overgrowth, clear waters, high

oxygen, etc. Over a geological timeframe (tens of thousands of years), the lakes go through a progression where they become more moderately nutrient rich and then highly nutrient rich. The concern comes into play when the process is accelerated. A number of factors can cause acceleration; addition of Nitrogen, Carbon, and Phosphorous. Mr. Craycraft spoke of a landmark study that identified Phosphorous as a driving force of nutrient enrichment in our freshwater system.

Phosphorous tends to be the limiting nutrient for most fresh waters, e.g., the more Phosphorous the more growth. It also tends to be sticky so whenever there are sediments running into the lake or other organic matter you are enriching the lake with Phosphorous as well. In terms of contaminants getting into a lake, there are a number of things that are contributing, e.g., as we construct homes if not done in an environmentally friendly manner we can have adverse impacts such as septic systems, logging, construction, agriculture, which lead to a variety of contaminants that can potentially get into the water, e.g., sediment, nutrients, toxics, pathogens.

Mr. Craycraft provided an example of an area where a plot of land is located next to a water body; the Maple Beach Forest in Wisconsin has a 6% slope to the lake and sandy loamy soil conditions similar to those which can be seen in some New Hampshire communities. During the months of April through October there is some material that naturally comes off into the lake, e.g., overland runoff, Phosphorous and sediments. However when the site is developed, and pre Water Quality Protection Act timeframe, the landscape could have been cleared down to the lake, a lawn put in, the home put in with a great deal of impervious surface, and the impact on the lake would be; an increase in runoff by about 5 times, Phosphorous load 7 times, and sediment load 18 times.

The concern is with the watershed as a whole. Any time you get channelized or even overland flow into the water body it contributes to nutrients. Anything in the watershed will ultimately make its way into the lake. As more development occurs there is a change in the hydrology or movement of water such that when it is a nice forested landscape most of the water is infiltrating the soil or evaporated back into the atmosphere. With more and more impervious surface the overland runoff is increased. Less ground infiltration provides the conduit for pollutants to get into the water bodies.

In terms of water quality monitoring there are various things that are looked at within Naticook and Baboosic Lakes such as amount of growth and nutrient Phosphorous. There is a filtration chamber with a filter disc, the outskirts of which are white, the center (ring) is yellowish/green, which identifies the microscopic plant growth. The chamber is filled with water from the lake, vacuum pressure is applied, and the material is collected on the chamber. When dealing with water quality monitoring what is trying to be understood is whether things are changing, and, if so, what is causing the change.

It is recommended sampling take place several times a year for several years in order to accurately identify a trend. Both Naticook and Baboosic Lakes have been monitored since 1983. Looking at Baboosic Lake, there are some variations in terms of water depth among points of the lake. There are several sampling points in Baboosic Lake, one of which is at the deepest point in the southern tier of the lake. Oxygen near the lake bottom tends to decrease quite a bit (same with Naticook Lake). This is something characteristic of a moderately nutrient enriched lake. Once you get to this point you lose your cold water fishery so both Naticook and Baboosic Lake are limited to warm water fish.

One of the things the volunteers measure is water transparency; use a standardized 8" diameter disc in conjunction with a view tube. Mr. Craycraft provided a slide showing the data from Baboosic Lake between the months of May and September, 2012. He pointed out the water transparency varies from week to week. He explained in some instances there are cases where a spike in the amount of greenness or growth results in a real decline in water transparency (the more debris in the lake the less clear the water is). That is something seen in both Baboosic and Naticook Lakes. Both have been historically susceptible to Cyanobacterial and Algal Blooms, which have resulted in short-term beach closures.

Longer term data, since 1983, for Baboosic Lake shows medium values. The top line, being water transparency, indicates a trend over a long-term period; transparency has decreased/water quality decline. However; most recently (past few years), water clarity has increased. A great deal of effort has been expended to mitigate stormwater running off over land into the lake, e.g., grant funding resulting in Best Management Practices (BMPs), erosion control measures put in around the lake, etc.

In terms of how data is used; information is relayed back to the lake associations as that is where it is believed the benefits are felt. Taking action at the local level is critical. Although some funding for the efforts has been

required, some of which has come through the towns, the lake association is trying to do its part to mitigate a lot of these problems. A few years ago the study was done by a third party consultant, using a lot of the water quality data collected through the Lakes Lay Monitoring Program, to get a better handle on where the nutrients are coming from and what can be done to manage them. That is where the funding is ultimately channeled; through those types of studies. Having some baseline data is critical.

Stormwater management for homeowners is a critical element of what can be done. Various documents are available for local landowners to take action at the local level and do things to mitigate problems. The final slide provided demonstrated the reduction in impact on the same property in Wisconsin when implementing measures such as forested buffer, infiltration trenches, etc.

Commissioner Perry questioned costs associated with the program and what benefit(s) are derived. Mr. Craycraft remarked costs are primarily going towards lab analysis. There is also a cost associated with the university research team that conducts the sampling. For Naticook Lake some of the program costs have been covered by the Town. Effectively what are given back are the yearly summary report and the availability of members to respond to questions and provide basic recommendations to lake associations, e.g., grant assistance, etc.

Chairman Tenhave noted the Commission's receipt of an invoice for 2012 in the amount of \$665 for Baboosic Lake and \$1,023 for Naticook Lake. The Commission has historically budgeted \$200 for this program. However, the Community Development Department has been paying the invoices. He questioned whether any of the reports provided to the lake associations are directed to the Town as well. Mr. Craycraft responded historically they have. When asked who they are provided to, he stated he would have to look into who they have been sent to over the past few years. Chairman Tenhave stated a desire for the Commission to receive reports directly, and was ensured Mr. Craycraft would arrange for that to take place. He also stated he would arrange for electronic copies of past reports to be provided. Councilor Mahon remarked another benefit of the reports is the ability to post them online to allow those residing in the area access to the information. Should a resident come before the Commission to discuss issue(s) in the area, historical data will be available to use to gauge against present conditions.

When asked about trends the Commission should pay particular attention to, Mr. Craycraft remarked Baboosic Lake is not as good as it was in the early '80s in terms of less transparent, greener water. It has rebounded some; however, he emphasized continuing the efforts to mitigate existing problems around the lake. Naticook Lake has some threats as do any of the lakes. Educating users of the water bodies, maintenance of fields located around the lake, e.g., work with Parks & Recreation Department to ensure BMPs are utilized, are all efforts that can be undertaken. Chairman Tenhave questioned whether improvements to the lake quality also improve wildlife, fishery, etc. Mr. Craycraft remarked having the lakeside buffer does have some wildlife benefits to it. Anything that can be done to reestablish the buffer would have a positive impact. With regard to fishery, there will never be seen cold water fish in Baboosic or Naticook Lake, but if inputs are reduced it may benefit what is present.

When asked about restorative effort guidelines that could be used, Mr. Craycraft stated promoting infiltration is key, but when getting to large issues, e.g., road drainage, etc., the Town Engineer or consulting engineer should provide suggestions. For a local landowner the identified documents would be helpful.

Councilor Mahon spoke of a new Parks & Recreation Director coming on board and a renewed effort to try and make the Wasserman Park facility more usable. One of the problems is runoff on the beach end of Naticook Lake. Chairman Tenhave noted the boat ramp creates a large runoff issue into the lake. Councilor Mahon suggested the subject of mitigation in that area should be discussed. Chairman Tenhave remarked on the number of streams going through the conservation side of Wasserman Park that run into the brook between Naticook Lake and Green's Pond. Mr. Craycraft commented anything natural that can be promoted would help, e.g., allowing the grass to grow tall would slow down the flow of water.

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

- 1. Grater Woods Sub-Committee Interviews and Appointments (starting at approximately 7:00 p.m.)**
Commission to have interviews with interested candidates and to make any appointments it may to this new Sub-Committee.

Chairman Tenhave noted the Commission has approved a Charge for the Sub-Committee. Being sought are 7 full-time members and up to 3 alternate members. One of the full-time members will be a member of the Commission, known as an Ex Officio member. The intent is for the sub-committee to meet quarterly if not more frequently. A Chairman and Vice Chairman will need to be elected. There is a process in place for sub-committees to appear before the Commission when the need arises to request funding for activities.

Chairman Tenhave stated responses to the request for volunteers were received from: Steve Bachand, Joe Cogan, Matt Caron, Tom Lehman, Steve Desilets, Roger Blais, Shannon Barnes, School Board member, Matt Shevenell, Business Administrator, Merrimack School District, Nathaniel Fairbanks, Ron Davies, and Adam Dodge (contacted the Commission back in June).

Chairman Tenhave noted both Ms. Barnes and Mr. Shevenell have expressed an interest in being involved; however, he did not receive an indication of level of participation from Mr. Shevenell. Commissioner Davies remarked when putting his name in the ring, he did so mainly due to a concern with the number of individuals expressing interest. Understanding the level of interest is adequate, he was willing to withdraw his name from consideration.

Chairman Tenhave explained the difference between a full-time member and alternate member. When asked, no one expressed a specific interest in being appointed as an alternate member. Each candidate was asked to state the reason(s) behind the desire to serve.

Steve Desilets, 63 Jessica Drive

Stated commented his family enjoys hiking on the property and he is a mountain biker himself and enjoys utilizing the property for that activity. He considers himself a conservationist. He is and has been a member of the Sierra Club for a number of years. It is his desire to ensure access to as well as protection of the resource, which he believes should be a multi-use property.

Nathaniel Fairbanks, 5 Sandhill Drive

Commented he is aware of the need for a disc golf course in this area of New Hampshire. He is a snowmobiler, and has been a member of the Merrimack SnoBuds, the Hollis NorEasters, and the Southern New Hampshire Snow Slickers. He believes the opportunity for snowmobile trails in Grater Woods is a positive direction for Merrimack. As an outdoor enthusiast, he has been involved with local Boy Scout troops and conservation related issues for some time.

Joe Cogan, 15 Sheridan Way

Commented he is an avid mountain biker, OHRV rider, snowmobiler, and someone who enjoys Grater Woods tremendously. He has witnessed the area is being torn up, is aware of the need for regulation, and would like to see a plan implemented. Wishes to see the area kept up.

Roger Blais, 4 Peaslee Rd

Has been a resident of Merrimack for 32 years, is an outdoor enthusiast whether it is hunting, fishing, enjoying the trails, etc. Believes the Town is thankful for its two great pieces of land; the Horse Hill Nature Preserve and Grater Woods, which can serve the needs of the public in many ways. Is a supporter of multi-use trails and different user groups, and is interested in promoting all of the different interests.

Steve Bachand, 181 Baboosic Lake Rd

Lives close to Grater Woods and spends a great deal of time there. Having been a user of the woods since the '80s, he would like to give something back. He is an outdoor enthusiast, fellow member of the Sierra Club, the Appalachian Mountain Club, and the Society for the Protection of New Hampshire Forests. He views conservation land as a gem, which is constantly under threat simply by the trends of growth. He added he would be happy to serve in either a full-time position or an alternate position.

Chairman Tenhave noted Shannon Barnes was a past member of a previous version of the sub-committee as was Matt Shevenell. Councilor Mahon commented they were both also part of the school district's sub-group that worked with him and Councilor Rothhaus to try to come up with the Memorandum of Understanding (MOU).

Vice Chairman Caron noted Adam Dodge's family used to own a large piece of the property that is now Grater Woods. His Grandfather, Mr. Bueker, owned the parcel that became the middle school part. Adam grew up enjoying that property. Commissioner Perry noted the e-mail received from Mr. Dodge indicates he has been a resident of Merrimack most of his life, is a mountain biker, has witnessed trail degradation and would like to be involved in preservation. He is a member of the New England Mountain Biking Association.

Vice Chairman Caron commented the level of interest on the part of Matt Shevenell is unclear. He suggested Mr. Shevenell may wish to participate in a manner similar to that which he participated in the prior committee, e.g., attendance to be kept aware without an actual appointment. If that were the case, there would remain ten (10) individuals seeking membership. Commissioner Perry stated the impression he received from Mr. Shevenell is that he was not necessarily interested in being appointed as a member; however, wished to be involved.

Vice Chairman Caron commented it is his desire, once appointed to the Sub-Committee, to seek the position of Chairman; therefore, he did not wish to be designed as the Ex Officio member. Commissioner Lehman stated a concern with those having a long history of volunteerism within the community being appointed to the sub-committee as he believes the Town would benefit greatly from encouraging a group of new volunteers to form their own identity and follow the Grater Woods Stewardship Plan to find their own way. He stated specific concern with influence that could be created by members who have had a great deal of experience with other properties, etc. He would prefer to leave spot(s) open with the hope new volunteers would come forward. Vice Chairman Caron remarked a lot of new volunteers have stepped forward. Commissioner Lehman commented when you have someone that is on a body that has done as much as Commissioner Caron has done, having been heavily involved in a lot of the properties, there needs to be room for the others to avoid feeling as though they are being led by one person and instead find their way based on the Stewardship Plan that has been developed. Commissioner Lehman stated a desire to be considered for the position of Ex Officio member.

MOTION MADE BY COMMISSIONER THOMSON TO APPOINT THE FOLLOWING INDIVIDUALS AS FULL MEMBERS OF THE GRATER WOODS SUB-COMMITTEE: STEVE DESILETS, NATHANIEL FAIRBANKS, JOE COGAN, ROGER BLAIS, SHANNON BARNES, AND MATT CARON, THE FOLLOWING INDIVIDUALS AS ALTERNATE MEMBERS: STEVE BACHAND, RON DAVIES, AND ADAM DODGE, AND COMMISSIONER LEHMAN AS THE EX OFFICIO MEMBER
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED

6-0-1

Commissioner Lehman Abstained

Chairman Tenhave stated his hope the Ex Officio member would call an organizational meeting, discuss the Stewardship Plan, and that the group would come before the Commission at its December 2, 2013 meeting to discuss what the Commission wishes to be worked on over the course of the coming year and see where the desires of the Commission and those of the Sub-Committee come together. Councilor Mahon suggested the Sub-Committee develop a set of Bylaws, procedures, and/or policies under which it will operate. Vice Chairman Caron stated the need for the Sub-Committee to identify a Secretary to take on the responsibilities of such a position, e.g., preparation of meeting minutes, etc. Chairman Tenhave noted the Charge does not include language regarding the position of Secretary. The Charge states the Chairman is responsible for preparing agendas and minutes. How the Chair and committee wishes to address that would be up to them.

2. Grater Woods Follow-On Projects, RFP, Appendix E items

Commission to potentially take action on an RFP for work that addresses some of the projects in Appendix E of the Grater Woods Stewardship Plan.

Commission to also discuss how it wishes to proceed on the other items in Appendix E not included in the RFP (Gates, Gateway Hill and water crossing, Beebe Lane access).

Vice Chairman Caron stated he was informed Hopkinton responded to the RFP; a proposal was submitted to Xenia Simpson, Purchasing Agent/Accountant. Chairman Tenhave spoke of an opportunity Commissioner Lehman had to meet onsite with one of the bidders. That bidder responded to the RFP in accordance with the Scope of Work identified; however, is of the belief the project could be completed at a lesser cost by raking out

the riprap that is on the road, cutting back the brush along the sides, and bringing in a limited amount of material to take care of the washouts. Costs would be cut nearly in half. Commissioner Lehman stated his opinion with the road that is there presently the amount of work being asked for is a bit too much. The option of minimizing the size of the job is something he would like the Commission to consider.

Commissioner Perry stated he is not supportive of trying to reuse the existing riprap as that is what was pushed out of the way to begin with. Councilor Mahon commented if the desire were for a smaller scope of work that is what should have been put out to bid. There is a bid process in place and a reason for the requirement to undertake the process. Part of that reason is to ensure a fair playing field for all perspective bidders. Bids are accepted as qualifying when they meet the criteria set forth in the Request for Proposal, e.g., scope of work. Proposals not meeting the scope of work, regardless of cost, are not qualifying and should not be considered.

Commissioner Lehman stated the bidder submitted a bid based upon the scope of work as identified. He noted because the Commission was under time constraints and wished to get an RFP out, Vice Chairman Caron was asked to write up an RFP so that the Commission could, at a later date, come to agreement on the scope of work. Vice Chairman Caron remarked that was not his recollection. Commissioner Lehman reiterated the Commission, as a whole, did not have the opportunity to discuss the scope of work. Commissioner Perry noted Commissioner Lehman had walked the area with him and Vice Chairman Caron. Commissioner Lehman agreed he had; however, stated all along he has believed the job to have been too large. Councilor Mahon questioned whether that was expressed, and Commissioner Lehman stated it was.

Vice Chairman Caron stated the RFP went from Mike Powers, Bay State Forestry Service, to the Commission, the Commission reviewed it and agreed with the language, and then it went out for bid. The Commission already voted on the scope of work. Commissioner Lehman stated there was never a meeting where the RFP was reviewed. Chairman Tenhave stated the Commission, as a whole, did not review the RFP before it was put out.

Commissioner Lehman stated the Forester put the RFP out and the Commission intended to discuss it after the bids were received. It would be then that the Commission would decide whether or not the direction was one which it wished to proceed with. That is the reason behind his desire to discuss the scope of work. Councilor Mahon stated Commissioner Lehman was acting on his own when he chose to meet with an individual bidder. Commissioner Lehman stated the bid was out, all he was doing was showing the job. Vice Chairman Caron stated the Commission has a Town Forester who provides advice on what should be done on a certain project. That advice is taken. He sees it as a conflict of interest for one member of the Commission to take it upon himself to meet with an individual bidder to discuss reducing the scope of work.

Commissioner Lehman stated his belief the entire process was faulty. He noted when the bid came out the walk through was scheduled for the following morning. Information was not posted on the website, and contractors were not aware of the opportunity to bid. When asked, Chairman Tenhave stated he was unaware whether the RFP was ever posted to the website; there was information that an RFP was put out, but the link on the website was damaged and the associated documentation could not be accessed.

Vice Chairman Caron stated Ms. Simpson forwarded the bid to the four bidders from the Red Maple Trail project. Those four contractors plus the one Commissioner Lehman located were provided all information. He added, although the process may not have gone perfectly, it was a process the Commission wished to undertake to allow the contractor that had equipment onsite to get a shot at bidding the job while the equipment was already there. That was not successful as the Red Maple Trail project was completed sooner than anticipated. When asked, he stated his belief the bid remains the same, despite the fact that particular contractor is no longer onsite. Although Ms. Simpson has stated the bid was received, members of the Commission were not in receipt of a copy. Commissioner Perry stated it was submitted in the August timeframe.

Chairman Tenhave suggested the Commission either entertain a motion or table the item until the next meeting so that all information can be provided.

MOTION BY COUNCILOR MAHON TO TABLE UNTIL THE COMMISSION'S NEXT REGULARLY SCHEDULED MEETING
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
7-0-0

Commissioner Perry remarked, even after all information is received, debate remains on whether or not to move forward with the current scope of work. Chairman Tenhave stated that not to be the case; no one has made a motion to change the scope of work; therefore, the scope remains as stated. Councilor Mahon stated if the scope of work were to be changed the project should be put out to bid again.

Chairman Tenhave stated the initial five (5) infrastructure items identified under Appendix E were the ones he was looking to move forward when addressing the Town Council with regard to the Stewardship Plan. He believes the other items addressed under Appendix E to be areas where the Sub-Committee should play a role.

When asked about the status of the Beebe Lane crossing, Commissioner Davies remarked he had understood the tree that was knocked down within the cul-de-sac was to be removed and used for an Eagle Scout project. At this time, he is no longer sure it is viable. Vice Chairman Caron stated an Eagle Scout from Troop 48 had expressed interest in the tree; however, he is of the belief the timeline for the scout's project has been pushed back. The desire had been to bring a project forward not only to the Commission but also to the Grater Woods Sub-Committee. It was originally believed the project would commence in the fall. However, in the absence of a Sub-Committee, the project has been delayed. Vice Chairman Caron informed the scout the project may not be open in the spring given the existing wetland impact. The response received was a different project could be undertaken.

Vice Chairman Caron suggested the project could be the first priority of the Sub-Committee. Commissioner Davies suggested the project would be similar to the recent one done at Wildcat Falls (bridge).

There being no objection, Chairman Tenhave stated the Sub-Committee would be asked to bring forward a proposal for project completion.

With regard to the need for gates on South Grader Road, Chairman Tenhave noted the desire for a gate to be located near the Amherst border; behind the lot line of the Grater Homestead and down close to where proposed trails D2, D3, and South Grater Road all come together at the south end near the Conservancy property line. He spoke of gates, which were located in the Horse Hill Nature Preserve on Old King's Highway. That section of the Class VI road was made into an emergency lane. In doing so, a process had to be followed. The process can be found in the publication "A Hard Road to Travel", a copy of which can be gained through the New Hampshire Municipal Association (formerly Local Government Center). Chairman Tenhave asked for volunteer(s) willing to spearhead the efforts necessary to move the process forward through the Town Council, etc. Commissioner Lehman volunteered.

With regard to Gateway Hill and the wetland crossing, Chairman Tenhave stated the feedback originally received from Foresters Dan Cyr and Mike Powers was that there is a great deal of work to be done, which will come at a cost. They also suggested there may be an alternative route if the Commission wished to direct them to look into the possibility. Vice Chairman Caron stated Mr. Powers brought in a contractor and visited the site. At that time, it was very dry; however, photographs were available of the area during April of this year to show where it swells to in the spring. There are enough features there to be able to identify what the situation is. He will prepare a cost estimate for the installation of a bank-to-bank bridge, which would not require a wetland impact permit. With regard to Gateway Hill, it appears the opinion was split; they said it could be moved, but it would be horrendously expensive. They seem to think it could also be improved with water bars, drains, etc.

Commissioner Lehman questioned why, if improving the hill, consideration would not be given to use of a culvert instead of a bridge at the bottom. That would eliminate a limit with regard to the weight of vehicles that could cross. Vice Chairman Caron questioned whether it was the intent to create an area that could be crossed by jeeps, etc. Chairman Tenhave stated it to be the main corridor through that side of the property. He would like to understand what it would take to be able to accommodate an emergency vehicle. Commissioner Perry remarked, given the size of the area, a single culvert would not be sufficient. Vice Chairman Caron noted if utilizing culverts, permitting would be required through the New Hampshire Department of Environmental Services (NHDES). At that point, NHDES would dictate what would be required. Chairman Tenhave brought up the scenario of a user of the trails requiring medical attention, e.g., someone breaks a leg and needs to be hauled out, and questioned where an emergency vehicle would enter. It was suggested Wilson Hill could be a point of entry or the Amherst side through the gate. Chairman Tenhave stated the need to support the Class A trail characteristics, e.g., dirt bikes, snowmobiles, and ATVs. Councilor Mahon suggested a discussion be had with the Fire Department to understand their thoughts with regard to access.

Commissioner Perry requested clarification of whether the intent were to address the wetland issue or both the wetland issue and the hill. He questioned whether the technical challenge of the hill is desired by ATV users, etc. Vice Chairman Caron stated there to be a few areas where improvements could be made to help the wetland impact, which would be a project of a smaller scale, e.g., construct the bridge and a few uphill improvements. Chairman Tenhave questioned the will of the Commission.

The consensus was to construct a bridge and perform basic improvements to the hill.

Chairman Tenhave suggested more formal plans be drawn up to address the desire of the Commission. Vice Chairman Caron was asked to contact Chief Currier to determine whether the Fire Department would like to provide input.

Commissioner Lehman departed.

3. Beaver Activities at Madison Lane and Follow-on Work

Commission to discuss the work done by our contractor in regards to the beaver in that area and to potentially take action to continue with those services or some other action.

Commissioner Perry stated 12 large beavers were captured, which has made a substantial difference in the very small area. He informed the Commission of beavers which continue to be seen in his neighborhood and swimming in the stream. The opinion of the trapper is that a small dent has been made in the overall population, and efforts should continue.

Commissioner Perry stated about 1,500' or so downstream from the car path in Mitchell Woods is an extremely large, active den. There is a great deal of water backup from beyond it down; in the area of Clara Drive, Baboosic Brook, etc. Problems remain in that area. The area where the initial complaint originated on Madison Lane is doing well; water is being kept at bay (down about a foot).

Chairman Tenhave noted residents have expressed concern with large trees that have dropped across the water area, and questioned whether the Commission would be cleaning them up. Commissioner Perry informed the Commission he has requested Adam Jacobs, Operations Manager, Public Works Department (PWD), visit the area to determine what is and is not on Town property.

Chairman Tenhave stated the options to be to either continue with the current trapper or contemplate the idea that Town property could be opened to trappers given trapping season for beaver begins on November 1st (runs through April 10th). The Commission could open up its properties and let licensed trappers know the beaver are here and invite them to help reduce the population. That would also be placing individuals in people's backyards, etc. He commented he is unsure if there is precedence for having trappers come onto Town property. Commissioner Perry stated he spoke with a local Fish & Game Officer who informed him the Commission could specify coordinates of areas, but then it becomes an enforcement issue. The trappers themselves would then be liable for any issues involving people's pets, etc. Chairman Tenhave noted an instance has occurred where someone tampered with a trap belonging to the trapper the Commission hired.

Councilor Mahon stated his opinion from the standpoint of control the Commission would be better served by continuing to utilize the trapper. Commissioner Perry stated the individual does that anyway, and a licensed trapper working on Commission property has to have a permit. One permit could be issued to see if the Commission could get a trapper to come in and trap at no cost. Councilor Mahon remarked there is a different set of dynamics between an individual coming in at no cost and one you have a contract with. When asked, Commissioner Perry stated the trapper the Commission has used has been very good to deal with, responsive, and communicated well. He introduced himself at the Police Department and to residents. He has been onsite every day without causing a disturbance to the area. The original arrangement was that he would capture a dozen, after which time the Commission would reconsider. There was some misunderstanding on how the contract was issued, which resulted in the Commission paying for services. There are other trappers also available for consideration if that is the direction the Commission wishes to take. Chairman Tenhave stated the total cost was \$275/beaver (total cost of \$3,300).

Commissioner Thomson commented he did not see a reason to seek out another trapper having had a positive experience with the gentleman that has been utilized. Commissioner Perry stated he was not advocating a change; however, noted others in town have utilized other trappers at a considerably different cost, and been equally as pleased. Councilor Mahon suggested it may be time to go out with another RFP. Commissioner

Davies stated his preference to contract with a specific individual rather than open Town property to trappers. He spoke of potential liability issues. Commissioner Perry clarified if a trapper were invited onto Town property he/she would have to be licensed and follow the same federally mandated rules as a trapper the Commission would contract with. Chairman Tenhave spoke of the fact the current trapper was required to carry a \$1 million liability policy. Councilor Mahon remarked, from a public relations standpoint and peace of mind of the residents in the area, it is preferable to have a contracted trapper. Commissioner Perry noted the Fish & Game Office he spoke with stated it to be common for trappers to carry liability insurance because of that concern. He did not state a specific value. That could be made a requirement of permitting by the Town.

Chairman Tenhave noted he was unaware of the logistics of the Town permitting process, and would have to look into that further. Commissioner Perry stated the permit would allow an individual to enter Commission property to trap. The number of permits would be determined by the Commission. Councilor Mahon stated the Town Manager is authorized to issue permits. By Charter, she is in charge of Town property. However, it is his belief a process is not in place to allow for that to occur. Chairman Tenhave stated there to be a few Town owned parcels that would benefit from the services of a trapper, and suggested consideration be given to the dollars being expended by the Public Works Department on beaver control. Councilor Mahon suggested the Town Council would likely express concern with liability issues related to allowing trappers not under contract to conduct such activities.

Commissioner Perry volunteered to obtain a list of licensed trappers in the area and ascertain whether or not liability insurance is in place under which they would be willing to name the Town. Vice Chairman Caron commented the Commission has learned the requirement to become a licensed trapper is a free one-day course. Chairman Tenhave stated his desire to continue working with the contracted trapper and remove more of the animals from Madison Lane.

**MOTION BY COMMISSIONER TENHAVE TO REQUEST NUISANCE WILDLIFE TRAP AN ADDITIONAL TWELVE (12) BEAVER, THAT COMMISSIONER PERRY SEEK A REDUCTION IN COST, AND THAT, UPON COMPLETION OF THIS TASK, THE COMMISSION RE-EVALUATE THE CONTRACT
MOTION SECONDED BY COMMISSIONER DAVIES**

ON THE QUESTION

Vice Chairman Caron stated a concern with the potential of expending an additional \$3,300 without a clear understanding of the impact that would have on the overall population reduction. Commissioner Perry remarked removal of 12 made a dent in the population; a month has gone by without issue. A large concern is with removal of adult beaver to limit population growth.

Chairman Tenhave stated a desire to discuss with the Town Manager how to address the big picture relative to beaver activity the Public Works Department is addressing. Commissioner Perry noted there is a bid available from another company, which could be considered.

**MOTION CARRIED
6-0-0**

4. Red Maple Trail and Conservation Drive Project at Grater Woods

Commission to hear update on the Red Maple Trail and Conservation Drive improvement at Grater Woods.
Commission to discuss and potentially take action on any closing activities needed for that project.

Vice Chairman Caron informed the Commission the gate is in place, and the only remaining task is to install a lock box. The gate was locked by the contractor. At the last meeting comments were made regarding an area that had been washed out by rain. The area was quickly fixed utilizing a rake. Bay State Forestry visited the area to ensure everything was in order, e.g., straw bales, etc. What was thought to be a problem really was not.

A photograph was displayed of the completed gate. Vice Chairman Caron spoke of the difficulty in dealing with significant ledge. The roadway had to be built up under the area of the gate. There remains an area to the left of the gate large enough for an ATV to gain access. Vice Chairman Caron stated a desire to place a few rocks in the area to discourage attempts to enter. Commissioner Perry spoke of difficulty experienced with the gate located at the middle school; a vehicular gate, which individuals have sat on and is causing collapse. He suggested, in the future, gates include a catch on the back to provide support on the far side. Vice Chairman

Caron noted a piece of metal has been welded on each of the gates at the Horse Hill Nature Preserve to provide additional support.

Chairman Tenhave noted the cost of the gate would be included within the overall project scope. It is possible, should the State decide to reimburse costs, the cost of the gate would also be reimbursed.

**MOTION BY COMMISSIONER TENHAVE TO AUTHORIZE THE PURCHASE OF FIVE (5) LOCK BOXES.
FUNDS ARE AVAILABLE IN FUND 51
MOTION SECONDED BY COMMISSIONER THOMSON
MOTION CARRIED
6-0-0**

Given the lateness of the hour, the other business before the Commission, and there being no objection, Chairman Tenhave stated the items under New Business would be postponed.

NEW BUSINESS

1. Horse Hill Nature Preserve Sub-Committee Appointments

Commission to consider the re-appointments of expired terms of some of the members of the Sub-Committee.

2. Wasserman Conservation Area Forestry Plan

Commission to discuss the update of a Forest Plan for the Wasserman Conservation Area along with including the new parcel that is adjacent to this parcel.

OTHER BUSINESS

Discussion on communications or correspondence received concerning regulated MCC activities and any issues concerning MCC managed lands.

Items of note include:

- DOT Land Parcel adjacent to Wildcat Falls

Chairman Tenhave informed the Commission a letter was submitted to the NHDOT. A decision could take as long as 18 months.

- Pavilion at Watson Park

Chairman Tenhave stated the Commission would receive an update regarding the Pavilion at its October 21, 2013 meeting. The Commission had authorized the use of conservation funds to help fund the cost of the construction of the pavilion, which was to include educational aspects/boards. The education boards were not completed. Members of the former Parks & Recreational Pavilion Sub-Committee as well as representatives of the Rotary Club will be present to provide information on how they wish to move forward.

- Mast Road wetland parcel and wetland intrusions

Chairman Tenhave spoke of wetland intrusions occurring on Town property off of Mast Road (behind XTL property). With a gate in place it is hoped no further disturbance will take place.

Councilor Mahon spoke of a proposal to reconfigure Fraser Square as a result of the potential for the large Pine tree to be an impediment to the process. It is believed the tree was part of the original memorial put together honoring Corporal Fraser. He questioned whether the Town Forester could be asked to take a look at the tree, which has not been maintained on any kind of a regular basis, and provide a recommendation. Chairman Tenhave suggested another possibility could be to inquire with Jon Nute, UNH Cooperative Extension.

Chairman Tenhave informed the Commission the Annual Meeting of the New Hampshire Association of Conservation Commissions will take place on November 2, 2013. Those interested in attending should make that desire known at the next meeting. It was noted Vice Chairman Caron will be a speaker at the event.

PRESENTATION OF THE MINUTES

Acceptance of the September 16, 2013 meeting minutes was tabled.

Merrimack Conservation Commission. September 16, 2013

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Councilor Mahon spoke of providing radio support for the half marathon in Hollis over the weekend. He remarked he has never seen more people in bicycles in a town than he did standing at the water station during that event.

Chairman Tenhave noted receipt of correspondence, e.g., Town & City publications. Once reviewed, all correspondence is left in the Economic Development Office, and is available for review.

NON-PUBLIC SESSION

MOTION BY COMMISSIONER PERRY THAT THE COMMISSION GO INTO NON-PUBLIC SESSION BY ROLL CALL PURSUANT TO RSA 91-A:3, II (D) TO CONSIDER THE ACQUISITION, SALE OR LEASE OF REAL OR PERSONAL PROPERTY, WHICH, IF DISCUSSED IN PUBLIC, WOULD LIKELY BENEFIT A PARTY OR PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY
MOTION SECONDED BY COUNCILOR MAHON

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Commissioner Perry, Commissioner Davies, Commissioner Tenhave, Commissioner Thomson,
Councilor Mahon, Commissioner Caron

6

Nay: 0

MOTION CARRIED

The Commission went into non-public session at 9:14 p.m.

The Commission came out of non-public session at 9:47 p.m.

Chairman Tenhave announced the minutes of the non-public session were sealed, by roll call vote, during the non-public session.

ADJOURNMENT

MOTION BY COUNCILOR MAHON TO ADJOURN
MOTION SECONDED BY COMMISSIONER THOMSON
MOTION CARRIED
6-0-0

The October 7, 2013 meeting of the Merrimack Conservation Commission was adjourned at 9:48 p.m.

Submitted by Dawn MacMillan