



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK CONSERVATION COMMISSION

JUNE 16, 2014

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, June 16, 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
Thomas Lehman
Gage Perry
Michael Boisvert, Alternate

Members of the Commission Absent: Ron Davies
Councilor Thomas Mahon
Robert Croatti, Alternate
Lauren Kras, Alternate
Simon Thomson

Also in Attendance:

With great sadness, Chairman Tenhave spoke of the passing of Town Council Chairman, David G. Yakuboff, Sr. A moment of silence was observed in his memory.

Chairman Tenhave noted Commissioners Davies and Thomson will not be seeking re-appointment to the Commission. As a result, there will be two full-time positions open for anyone interested in applying.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

OLD BUSINESS

1. Invasive Plants Found at 10 and 18 Brookside Drive

Commission to discuss issues with invasive plants on Town Conservation property at 10 and 18 Brookside Drive and review a proposal to apply an herbicide later this year in an effort to control the invasive plants.

Chairman Tenhave noted Mike Powers, Bay State Forestry Service, visited the site and has provided a proposal for controlling the invasive plant species. Commissioner Perry spoke of the notation included in the proposal regarding "a follow up application in 2015 to target any plants that may have been missed or sheltered from the previous application.", and questioned whether that repetitive work was included in the stated cost of the project. Chairman Tenhave stated it is not.

As stated in the proposal, the cost for attendance at meetings, including a public hearing if requested, filing of a special permit with the New Hampshire Bureau of Pesticides, boundary line work, and the actual spraying of the site is estimated not to exceed \$790.00.

Chairman Tenhave stated his desire to conduct a public hearing to provide the opportunity for the public to express any concerns and/or ask any direct questions of Mr. Powers and/or the Commission. Mr. Powers stated his opinion fall is the best time for the spraying to occur.

Commissioner Perry questioned whether the intent was to reach out to the homeowner at 8 Brookside Drive to determine if there is interest in Bay State addressing that location as well. Chairman Tenhave commented Mr. Powers expressed a willingness to assist. Chairman Tenhave is conducting research to determine what options are available on that property. He requested he be provided with contact information for the UNH Cooperative Extension to allow him the opportunity to reach out and question programs/opportunities that may be available for homeowners. Commissioner Perry commented efforts are underway for representatives from the Cooperative Extension to be in the area to review some areas in Town with regard to beaver issues. They have an invasive specialist they could potentially bring along.

Commissioner Boisvert spoke of the importance of the adjacent property being addressed given the likelihood of the Knotweed present on that property encroaching onto Commission property. Chairman Tenhave responded that is why he is putting a great deal of effort into determining if there is something that can be done. He noted the need to seek input from legal counsel as well. In the meantime, there is a real problem on Commission property, which needs to be addressed.

MOTION BY COMMISSIONER TENHAVE TO AUTHORIZE BAY STATE FORESTRY SERVICE TO CONDUCT WORK AS OUTLINED IN THEIR LETTER DATED JUNE 9, 2014 AT A COST NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00). FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
5-0-0

Commissioner Perry questioned whether the Commission wished to establish a protocol for walking the properties for the purpose of identifying invasive species. He noted concern with the origin of the invasives and the possibility of impact to the waterways. He suggested the properties downstream be surveyed. Chairman Tenhave stated Mr. Powers offered to look further at other Commission properties (hourly rate). Chairman Tenhave suggested it would be beneficial for an expert to accompany members of the Commission in review of other properties. Commissioner Perry noted he has a list of Wildlife Biologists that could be contacted. He also spoke of the Commission entering into a contract with GZA, which conducts invasive work. Chairman Tenhave suggested the issue also be explored with Adam Jacobs, Operations Manager, Public Works Department, as that department has also been addressing the issue of invasives.

2. Gateway Trail Stabilization Project

Commission to discuss the direction to take related to the project put on hold late last fall.

Chairman Tenhave stated the project to have been put out to bid last year, which resulted in one response. Commissioner Perry remarked the Commission initially discussed the project being conducted in concert with the School District. He questioned whether any interest has been expressed by the school. Chairman Tenhave commented while putting the meeting together he had mentioned his belief there is maintenance work to be done out at Grater Woods, which is on school property. Matt Shevenell, Business Administrator, SAU26, reached out to him seeking additional information. On Memorial Day, Chairman Tenhave visited the area beginning in the parking lot behind the Merrimack Middle School, all of Gateway Trail, around the Red Maple Trail, and back into the Wildlife opening and down Gateway Trail. During his walk he took GPS markers of the area as well as photographs. That information as well as information of specific areas of concern, was shared with Mr. Shevenell. At the same time, Mr. Shevenell researched available funding. The district has a revolving fund from which they can draw to help cover maintenance costs on their properties. Mr. Shevenell has stated his belief there is funding available to address the issues on the school property if the Commission were to entertain the idea of having a joint school and Town project done simultaneously so that both entities could realize economies of scale.

Commissioner Perry questioned whether the change of scope would require the project to be put out to bid again. Chairman Tenhave stated his belief that would have to occur. Chairman Tenhave displayed the photographs taken during his walk of the property. On the school property, there is an area of the initial trail leaving the ballfields and heading west, which, at one time, was large enough to accommodate a large vehicle. Small trees are starting to creep in, and have lessened the opening. Drainage swales along the sides are hindered by overgrowth and fallen trees. Where some of the other trails come back into the Gateway Trail, leaves are getting into the culverts. There is an area of downward slope where the increased vegetation is prohibiting water from making its way into the swales, which is resulting in washout of the main road.

On conservation property, a large tree is present across one of the bridges on the Brickyard Trail, water runs in multiple directions, and vegetation is creeping in. Fire pits were witnessed in the Wildlife Opening. Chairman Tenhave noted if the need arises for fire apparatus to gain entry into the area that could be hindered by the growth already occurring in the area. Continuing west down the hill out of the Wildlife Opening is a downed bird house (right hand side). Areas where tree limbs are hanging over were mentioned and the suggestion made they be removed before they come down on their own. Noted were the areas intended to be included in the project. Chairman Tenhave suggested the scope of the project include mowing on both sides, cleaning of culverts, removal of large trees/debris, as well as the repair of the surface areas.

Commissioner Lehman questioned whether the Commission could simply put out an announcement, bring a few contractors on site to view the area, and allow them to devise a solution to address the situation. Chairman Tenhave stated a desire for the Commission's expert to provide input as to what is necessary to be done, and suggested the contractors could then be allowed to provide feedback on how to address the identified issues.

Commissioner Lehman suggested the contractors could be asked to identify the work to be performed, and that the Forester could then be asked to evaluate the bids. He suggested that approach could result in receipt of numerous opinions for approaches to the project. It was noted the Forester would either be paid to walk the trail and identify the required work or to review each of the proposals provided.

Chairman Tenhave informed the Commission he had suggested to Mr. Shevenell that the Commission drive the project, and inform the school what their portion of the activity would be. Commissioner Perry stated agreement with comments made by Commissioner Lehman relative to the time involved in re-bidding the project. He also stated his belief the school would wish to have the project completed before the start of the school year.

Commissioner Lehman stated his preference for a site walk to be conducted with potential contractors. The length of the road could be announced and the general framework of the project outlined as well as issues associated with the property. Contractors could be allowed to respond with a proposal that would then be reviewed by the Forester. It was suggested the Forester could participate in the site walk.

**MOTION BY COMMISSIONER LEHMAN TO NOT PROCEED WITH THE ORIGINAL BID PROPOSED AND
VOTED ON LAST YEAR
MOTION SECONDED BY COMMISSIONER CARON**

ON THE QUESTION

Commissioner Perry questioned whether the motion was contingent upon the fact the Commission will increase the scope of the project. Chairman Tenhave responded it would leave the door open for that.

**MOTION CARRIED
5-0-0**

Commissioner Perry remarked the original specification would have added to it the areas located on the school property and the maintenance items identified, e.g., mowing, cleaning of culverts, removal of debris, etc. Chairman Tenhave reiterated Commissioner Lehman's request that there be some flexibility to the responses requested from the contractors with regard to how the work is performed. Commissioner Perry remarked the specification will be more of a performance specification and would read something like trail edges cleaned free from debris larger than X, etc. rather than specifying brush-hogging, etc.

Commissioner Lehman questioned the amount of work to be performed on the culverts, and was informed it is a matter of cleaning/clearing debris. When asked about the stone ford, Commissioner Perry stated it is getting clogged, but it was also designed to have water running over the top. Water can be seen on the downside of the pond when there is no water coming over the top, which indicates water is getting through.

Commissioner Lehman agreed to spearhead the project. Commissioner Boisvert offered his assistance. Commissioner Perry offered to gather the information from when the project was first laid out and identified the area from the road, up the hill with a small break and then up the second section of the Gateway Trail. Chairman Tenhave suggested, prior to the bid going out, the Commission discuss the project, as it is seen today, with Mr. Shevenell. When asked about the Memorandum of Understanding (MOU), Chairman Tenhave encouraged all Commissioners to read it, and noted it speaks to access to the property. It also states if an RFP is going to be done the district needs to be given advance notice of the RFP before it goes out to bid.

A brief discussion ensued around the possibility of calling a special meeting to ensure timely forward movement on the project. Chairman Tenhave stated a desire for individuals/companies who have done work for the Commission in the past to be made aware of the opportunity to bid on the project.

Chairman Tenhave noted, in the past, the Forester has managed projects. That is a tradition he would like to continue.

The consensus of the Commission was to utilize a performance bid.

The Commission will be made aware of the date of the site walk with sufficient lead time. The date will be well noticed.

NEW BUSINESS

1. Inventory of Conservation Properties

Commission to discuss doing an inventory and onsite review of its major and minor properties. A discussion of potential characteristics to be collected will be included.

Chairman Tenhave remarked questions have arisen around identification of parcels owned by the Commission and those that are managed by the Commission. He questioned whether any member of the Commission wished to take on the project of reviewing the various lists that have been generated in the past to compile a single list detailing every property either owned or managed by the Commission.

Commissioner Lehman commented the information available through the Nashua Regional Planning Commission (NRPC) appears to be more updated than what can be found through NH GRANIT. He remarked the input sheets utilized by GRANIT for the mapping of parcels requires a great deal of information gathering. He is of the opinion a good deal of the required information could be obtained through the NRPC. He questioned which group should be focused on given time constraints.

Commissioner Perry spoke of previous efforts with the NRPC, and stated his opinion their maps should be pretty accurate. Chairman Tenhave noted some of the information was provided in conjunction with the completion of the Master Plan. Commissioner Perry questioned whether GRANIT could look to the NRPC for information. Chairman Tenhave stated they could; however remarked he does not believe the intern that posed the question is aware of that avenue. Commissioner Perry suggested data should be funneled to one place to ensure it is filtered correctly. Chairman Tenhave stated agreement. He stated the immediate need to be ensuring an awareness of conservation properties; both those owned and managed by the Commission. He suggested a single electronic spreadsheet to be housed on the Town servers. Commissioner Lehman noted ongoing efforts to update the Town's GIS system.

Commissioner Perry stated a willingness to participate noting other projects he is involved with that would take priority, and that the process would be ongoing for some period of time. Commissioner Lehman spoke of the enormity of the project, and suggested consideration be given to hiring an individual to compile all of the information into a usable format. Chairman Tenhave spoke of his desire to research whether Commission funds could be utilized to cover costs of these types of projects. During the course of the summer months he will identify whether or not that is a feasible approach.

2. Removal of Toll Structures at Exit 12 – DOT request for input

Commission to discuss a letter received from the NH Department of Transportation to provide answers to questions related to the removal of toll structures at Exit 12 of the F. E. Everett Turnpike (both Northbound and Southbound).

Chairman Tenhave spoke of the letter received from the New Hampshire Department of Transportation requesting feedback relative to potential impacts of the project. Input has been provided by Kyle Fox, Deputy Director, Public Works Department, and Donna Pohli, Assistant Planner. The timeframe for response is July. Chairman Tenhave commented his approach is to assume the Town has covered all areas, and if Commissioners, in reviewing the information on their own, believe there is something that should be included, he would like to be made aware so that he could combine all feedback and provide it in advance of the deadline.

Vice Chairman Caron noted there to be very sensitive wetland on the northbound side. Chairman Tenhave commented, if following the project outline, work would stay within the current roadway.

OTHER BUSINESS

- Grater Woods Forestry Project – Status

Vice Chairman Caron stated he is awaiting return calls.

- Trail GPS Data for NRPC Project

Chairman Tenhave stated he would be meeting with Ryan Friedman, Senior GIS Planner, NRPC to go over the current map of Merrimack and provide input. Deputy Director Fox will be sending a shapefile, to Mr. Friedman, which includes information obtained by Vice Chairman Caron. That information will be input into the NRPC's GIS system. That information will also be shared with the Commission and the Fire Station (for trail map updating). Vice Chairman Caron commented the map would be a good addition to the two new kiosks in Grater Woods. He stated a desire for the map to be in a format where the lines that identify trails coordinate with the colors of the trail markings. That would allow for a map to be placed in the kiosk along with an identification of the meaning of the colors.

Chairman Tenhave noted he would meet with Mr. Friedman at 9:30 a.m. on Friday, June 20, 2014 at the NRPC office, and welcomed participation by any member of the Commission wishing to attend. He stated his intent of the meeting is to explain where there are additional data collection opportunities and to review the current data to determine whether or not it remains accurate. Mr. Friedman would like all trails to be identified and have an attribute sheet completed for each. In his e-mail, he stated his belief there are opportunities for the NRPC to conduct some of the data collection, and an opportunity for the Commission to utilize their new high-end GPS system to collect some of the data. Vice Chairman Caron stated he is aware of an individual willing to do that data collection.

- Land Acquisitions

Commissioner Lehman stated a desire to discuss the services of a buyer/broker to represent the Commission in land acquisitions. He stated his belief the Commission does not have the time or expertise necessary to take on the task. He spoke with the New Hampshire Association of Conservation Commissions Executive Director, Carol Andrews, who recommended Tom Howard from New Hampshire Conservation Real Estate. Mr. Howard was a Conservation Land Acquisition Officer for the Society for the Protection of New Hampshire Forests, a Conservation Manager for the Lakes Region Conservation Trust, a major sponsor of the Saving Special Places Program, etc.

Commissioner Lehman stated Mr. Howard is available to attend the Commission's meeting on July 21, 2014. His only request is for reimbursement of travel expenses.

Commissioner Perry commented he has no issue with inviting Mr. Howard to attend; however, did not necessarily agree with paying someone to make a sales call. Commissioner Lehman noted he was the one who solicited Mr. Howard. He added, Mr. Howard would not be charging his normal fee for meeting with the Commission, he is simply requesting his expenses be reimbursed. Vice Chairman Caron questioned whether he has had the opportunity to review the Commission's priority listing, and was informed he has not been provided that information. Commissioner Lehman stated he wished to first introduce Mr. Howard to the Commission and provide the opportunity for questions to be posed and answered.

Chairman Tenhave remarked he personally does not have either the time or expertise to lead the effort. He is in favor of inviting Mr. Howard to address the Commission. Commissioner Perry commented a review of his employment history shows Mr. Howard has great wealth of experience. Commissioner Lehman stated his desire for the Commission to conduct itself in an expedient manner; perhaps reaching a decision during the July meeting. He suggested the Commission could enter non-public session to provide detailed information on properties under consideration. Chairman Tenhave stated he would not wish to move that quickly, but would like to have the opportunity to speak with Mr. Howard and give consideration to his remarks. Commissioner Boisvert stated agreement.

MOTION BY COMMISSIONER LEHMAN TO REQUEST MR. TOM HOWARD ATTEND THE COMMISSION'S JULY MEETING, AND THAT THE COMMISSION REIMBURSE HIM FOR TRAVEL EXPENSES AT A COST OF SIXTY FIVE DOLLARS (\$65.00). FUNDS ARE AVAILABLE IN FUND 53
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
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- Beaver Management

Commissioner Perry stated work continues towards obtaining a signed contract for beaver management. Chairman Tenhave noted Commissioner Thomson had served as a backup for Commissioner Perry with this issue. With his departure from the Commission, a replacement was requested. Commissioner Boisvert volunteered to serve in that capacity.

- Kiosks

Vice Chairman Caron informed the Commission kiosks have been installed at Conservation Drive and Beebe Lane. Unfortunately, the pin that goes through the area where the Plexiglass is placed was taken from the kiosk at Beebe Lane.

Vice Chairman Caron spoke of the continued loss of signage from Grater Woods. The Police have been made aware of instances of theft. Chairman Tenhave suggested it may be time to consider the use of cameras.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. June 2, 2014

The following amendments were offered:

Page 1, Line 47; replace the word "Agenda" with the word "Agency"
Page 3, Line 23; replace the words "CSF Conservation" with the word "Conservancy"
Page 8, Lines 44 and 50; replace "Tenhave" with "Lehman"
Page 8, Line 50; replace the words "to be" with the word "were"

MOTION BY COMMISSIONER TENHAVE TO ACCEPT AS AMENDED
MOTION SECONDED BY COMMISSIONER PERRY
MOTION CARRIED
5-0-0

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Chairman Tenhave informed the viewing audience of open positions on the Commission.

ADJOURNMENT

MOTION BY COMMISSIONER PERRY TO ADJOURN
MOTION SECONDED BY COMMISSIONER CARON
MOTION CARRIED
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The June 16, 2014 meeting of the Merrimack Conservation Commission was adjourned at 8:03 p.m.

Submitted by Dawn MacMillan