



# Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

## SPECIAL MERRIMACK CONSERVATION COMMISSION

JULY 1, 2014

### MEETING MINUTES

A special meeting of the Merrimack Conservation Commission was held on Tuesday, July 1, 2014, at 6:35 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  
Councilor Thomas Mahon  
Michael Boisvert, Alternate

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

Also in Attendance: Matthew Shevenell, Business Administrator, Merrimack School District

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*Chairman Tenhave noted the purpose of the special meeting was to discuss an RFP for the Gateway Trail stabilization project at Grater Woods.*

#### PUBLIC COMMENT - None

GATEWAY TRAIL STABILIZATION PROJECT Commissioner Lehman noted the Request for Proposal (RFP) includes the entirety of the Gateway Trail from Beebe Lane to the school ball field. The intent was for more of a performance type RFP and to invite several potential bidders onsite to participate in a site walk with the Forrester to view firsthand the washed out areas of the roadway as well as other issues requiring attention, e.g., encroaching brush on roadway.

Through collaboration/discussion with Mike Powers, Bay State Forestry Service and Matthew Shevenell, Business Administrator, Merrimack School District, the general Scope of Work was identified.

Commissioner Lehman stated a desire to amend the RFP as follows:

***Page 2, under the title "Included with the proposal shall be:" amend the second bulleted item to read: "The amounts and types of materials that are required to complete the Scope of Work, and identify, on a road diagram, where these materials will be placed.", amend the third bulleted item to read: "The frequency of any heavy equipment requiring access through the school gate.", and amend the last bulleted item by adding the word "cycle" after the word "maintenance".***

Commissioner Lehman remarked the determining factor as to how many trips will be made is based on the amount of material required. The previous bid included language around leaving heavy equipment onsite until the project is complete. Utilizing this language will provide a better idea of the number of trips in and out of the gate.

The RFP would not require the Commission to award the contract to the lowest bidder.

**Commissioner Lehman noted the mileage identified in the third paragraph on the first page should be stated as 1.5 rather than 1.2. Chairman Tenhave noted the mileage is a rough estimate (goes to the Beebe Lane gate).**

Commissioner Boisvert suggested the addition of language to address the desire for trees hanging over the road to be cut. The way the proposal is written it would be left up to the contractor and the Forester to decide the amount of material needed, whereas the former proposal identified 6" of gravel. Commissioner Perry noted the Proposal does state: "Materials shall conform to NHDOT Standard Specifications for Road and Bridge Construction, 2010 edition." The specifications include a section that identifies standards on base construction, which is what the trails are for.

Mr. Shevenell suggested the following amendments:

**Page 2, 6<sup>th</sup> paragraph, last sentence; add the words "and the Merrimack School District" after the words "Town of Merrimack"**

**Page 2, 7<sup>th</sup> paragraph, first sentence; add the words "and the Merrimack School District" after the words "Town of Merrimack".**

He stated his preference for the contractor to obtain two certifications, which would not result in increased cost, identifying two different plots of land. He suggested it to be cleaner that way rather than having the contractor indemnify the Town and then have the Town indemnify the School District.

Mr. Shevenell remarked at some point there will be a cost to the project and cost sharing. He spoke of a fund specifically set up for efforts of trails and trail maintenance, which was created 6-7 years ago. He stated a desire to receive an indication of how the payments are to be divided; what criteria would be utilized, e.g., amount of material, length of road, etc. When asked for his opinion, he stated the Commission "looked at putting out the amount of material, marking it on a map, and if most of the material is on the map and it is going on school property I think that would be a good way to measure it as opposed to just taking the linear feet of the whole trail and just saying 60% Town/40% school."

Commissioner Perry stated "there will be multiple sections where there is work to be done, and we could just have them itemize the sections as they are pretty much located either on school property or on Town property." "We can kind of itemize out each section of it as its own little job." When asked if the contractor would be requested to do that, Commissioner Perry commented if they are already going to be listing what they are putting in each location on the map, it is already going to be done. Commissioner Lehman stated a breakout of cost of materials would not be provided unless requested. Commissioner Perry stated his belief a labor cost and material cost would be included. Commissioner Lehman suggested the contractor be asked to provide a cost/yard for materials from which the Commission could determine the amount that was utilized on school property. Mr. Shevenell stated that could be used to identify labor costs or the contractor could be asked to provide hourly rates, which could be broken down into sections.

Councilor Mahon suggested the Commission request "as built". What the RFP will show you and what ends up at each place as the project is completed will differ. The contractor should understand the need, at the end of the project, to provide information on the amount of materials distributed on school land and Town land so that the entities can determine cost sharing.

Mr. Shevenell responded "If they could do as built and come up with an accurate figure as far as cost and labor." Councilor Mahon noted such a request would result in additional costs. Chairman Tenhave commented that would be the most equitable way to do it. Commissioner Perry suggested a further amendment to the second bulleted item on page 2, under the title "Included with the proposal shall be:" to be the addition of the words "As built the" at the start of the sentence. Chairman Tenhave stated his preference the proposal come with the amounts the contractor expects so the Commission can judge one proposal against another. **He suggested a new paragraph could be added, which would read: "The Winning Bidder, after the project is complete, shall provide the as built."** Councilor Mahon noted the Finance Director, Paul Micali, can provide the standard language utilized in most contracts to address that issue or could request such language from Attorney Upton.

Commissioner Lehman commented there will be a better understanding once the proposals are received, and noted Mr. Shevenell will be a participant in that review process. Mr. Shevenell stated "we will be able to figure something out most definitely, it is just that we just want to do what is most equitable for both of us." **Chairman Tenhave suggested the expectation be set that the winning bidder is going to have to provide that.**

Chairman Tenhave remarked, beyond that, there will be some mowing and trail widening work, and we will have to determine how that plays into all of this as well (may be a ratio). Mr. Shevenell agreed in a scenario like that where it is likely it is all using the same type of machinery, etc. a ratio may be the best mechanism. He noted that is not part of the RFP, but rather a consideration down the road that should be taken into account. Chairman Tenhave stated agreement, and remarked it is good to have that discussion now so that we are all on the same page.

Mr. Shevenell commented he liked the width of the trail when first constructed. The only issue the school has had is related to the material the runners run on, which isn't exactly advantageous to them (too large), and probably create the condition where a turned ankle could result. That is something the district would likely look at; to create a surface that would best serve the high school track team. Commissioner Lehman noted the third bullet in the Scope of Work reads: "Perform work to mitigate the impact existing rip rap causes for pedestrian foot traffic." Councilor Mahon noted the RFP also requests the contractor comply with NHDOT standards for fill, which may not provide the desired surface.

Commissioner Perry remarked shoulder construction requires hard pack (3/4" crushed gravel), which, as a road surface, packs down and becomes a regular water bearing surface, doesn't sheet flow, and works very well. If used, that material is very acceptable. Vice Chairman Caron commented the specification for the Red Maple Trail called for the same, and that is perfect for running. Mr. Shevenell commented he had hoped the trail would be more like the Red Maple Trail when completed.

The following additional amendments were recommended:

Page 1, 3<sup>rd</sup> paragraph, second bulleted item; add the words "to a minimum width of 11' and a height of no more than 6" with 4" preferred" after the words "Cut back brush"

**Page 1, 3<sup>rd</sup> paragraph, add a bulleted item to read: "Cutting of overhanging trees".**

A good deal of discussion occurred around the wording in bullet #3 and the ability to clearly identify the meaning of mitigating the impact. The intent is to create a packed surface that minimizes sheet water flow, allows for groundwater recharge, and provides for a more stable surface for users, e.g., track team, horseback riders, etc. Although the Forester is aware of the desired result, it was acknowledged bidders need to be provided a clear understanding in order to identify what would be required to accomplish it.

**Page 1, 3<sup>rd</sup> paragraph, third bulleted item; amend to read: "Perform work to stabilize and mitigate the impact existing rip rap causes for pedestrian foot traffic."**

**Councilor Mahon suggested a preamble be included identifying the reasoning for rehabilitation and the intended uses of the trail.** Vice Chairman Caron spoke of the mandatory walk through during which the Forester will provide that information. Mr. Shevenell suggested the Forester take notes during the walk through, and formalize those notes in such a manner that they could be provided to the contractors as a follow up to the discussions that take place.

Councilor Mahon stated a concern with the use of the words "pedestrian foot traffic" noting that does not identify the need for the trail to be stable for use by runners. Chairman Tenhave noted the 4<sup>th</sup> bulleted item references "intended multiple users"; however, only specifically identifies OHRVs. He agreed with Councilor Mahon that a preamble would be useful. **The intended multiple users could be copied from the classification of trails or the RFP could simply include reference to the section of the Grater Woods Stewardship Plan that identifies trail uses. Commissioner Lehman stated he would gather the information for inclusion in the bulleted item.**

Commissioner Perry noted the area of reference to access being through a gate at the rear of the Middle School property, and questioned whether the intent is to not allow traffic through Conservation Drive. Chairman Tenhave stated it to be his preference for all access to be through the school property. Mr. Shevenell remarked if he is provided a schedule they will make it happen.

Chairman Tenhave suggested the first bulleted item be amended to include language identifying a minimum of 7 areas that require specific action. He commented the Commission is aware of 4 areas identified in the first RFP, another is at the beginning of the road as it leaves the school ball field area where the riprap is deep, another where there is a downhill slope just before transitioning to Town property, and where Gateway comes to an end; consideration should be given to how to terminate that (very rough area in need of mitigation).

Commissioner Lehman stated his preference for a diagram to be provided identifying the areas in question. Chairman Tenhave remarked that goes along with the idea of a map identifying the location of materials. He suggested the Commission supply the base map. Mr. Shevenell suggested, in addition, the areas could be marked with orange spray paint. Chairman Tenhave agreed to highlight on the map the minimum 7 areas.

**Page 1, 3<sup>rd</sup> paragraph, first bulleted item should be amended to read: “Repair of a minimum of seven (7) areas showing signs of washouts and take appropriate measures to reduce future erosion.”**

Commissioner Perry spoke of an area on the school loop trail. It is considered part of the school trail, but on Town property. At the bottom of the loop trail, is a culvert that goes across out to the pond. There is a ditch on the inside now, but the culvert has become a hump in the trail. The desire is to place material on either side to flatten out the bottom of the hill. If included in the RFP, additional coordination with the school would be necessary as entry would likely be easiest through the gate in the school parking lot. Chairman Tenhave questioned whether that is a project that could be addressed through the Sub-committee and volunteers. Vice Chairman Caron stated it could be part of the eventual goals of the Sub-committee; however, noted the amount of work before the Sub-committee. Mr. Shevenell stated agreement including that item in the RFP would muddy the waters somewhat.

Commissioner Lehman questioned if addressing the area as part of the RFP would simply be a matter of bringing in additional material. Commissioner Perry stated his belief it would be a matter of a few yards of material. Vice Chairman Caron commented it would be beneficial to have the project completed as there is a rather large hump over the culvert. Commissioner Perry noted with good rainfall there is water streaming on either side of the culvert. Commissioner Lehman spoke of the advantage of addressing the issue as part of the project. Commissioner Perry suggested it could be included on the map, and if any heartburn is expressed during the walk through it could be reconsidered. Mr. Shevenell suggested this area could be included in the proposal with a request that it be addressed as an additional item (deductible alternative).

Chairman Tenhave questioned whether the identification of 11' width is clear enough to speak to the swales that are on the side. It is necessary to ensure those are clear so that once water hits them it is retained as opposed to running back up across the surface. Commissioner Perry stated the 11' is supposed to be the crown of the road.

**Page 1, 3<sup>rd</sup> paragraph, second bulleted item should be amended to read: “Cut back brush to a minimum width of 11' and a height of no more than 6” with 4” preferred to improve mobility of emergency vehicles and improve visibility at curves and clear all culvert and swale restrictions”**

Chairman Tenhave spoke of the large trees, tree trunks, etc. that will be removed, and questioned whether the desire is for that material to be captured somewhere. Commissioner Perry remarked, during the initial construction, the debris was placed back into the woods for cover. It was suggested it could be scattered.

**Page 1, last sentence; amend to read: “The Winning Bidder shall contact Mike Powers of Bay State Forestry Service once the project is awarded in order to start and coordinate all work.”**

**Page 2, 4<sup>th</sup> paragraph; amend by replacing reference to Lot 63 with “Lot 64” and by adding Map 5A Lot 9 and Map 5B Lot 10”.**

Chairman Tenhave stated moving forward, Mr. Powers and Commissioner Lehman will make the recommended amendments, work with Ms. Simpson, and put the RFP out.

***The Commission and Mr. Shevenell agreed, once the recommended amendments have been made, the RFP could be put out to bid.***

When asked if he wished to be part of the review process once the responses are received, Mr. Shevenell stated he would.

PUBLIC COMMENT – None

COMMISSIONER COMMENTS

Commissioner Perry noted the go ahead has been received on GZA and the Beaver Management Plan. Work began earlier in the day.

Chairman Tenhave informed the viewing audience of two full-time openings on the Commission. Individuals interested in serving in that manner should submit an application to Becky Thompson in the Town Manager's Office.

ADJOURNMENT

**MOTION BY COMMISSIONER PERRY TO ADJOURN  
MOTION SECONDED BY COMMISSIONER CARON  
MOTION CARRIED  
6-0-0**

*The June 16, 2014 meeting of the Merrimack Conservation Commission was adjourned at 7:34 p.m.*

Submitted by Dawn MacMillan