



# TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

## MEETING INFORMATION

Date Submitted: December 11, 2021  
Submitted by: Robert Fregault & Tim Sowder  
Department:  
Speakers: Robert Fregault & Tim Sowder

Date of Meeting: January 13, 2021  
Time Required: 20 minutes  
Background Info. Supplied: Yes:  No:

## CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
<b>Public Hearing:</b>	<input type="checkbox"/>	Old Business:	<input checked="" type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

## TITLE OF ITEM

Flying Eagles Field Enhancement Project Request Follow-up Discussion

## DESCRIPTION OF ITEM

The Town Council to consider The Flying Eagles' request to restore the field to its original open boundaries by removing a select number of trees located on Town owned property on Caron / Griffin Street, known as Sklar Waterfront Park.

## REFERENCE (IF KNOWN)

RSA:	Warrant Article:	_____
Charter Article:	Town Meeting:	_____
Other:	N/A	

## EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

## CONTACT INFORMATION

Name:	<b>Robert Fregault</b>	Address	_____
Phone Number	_____	Email Address	rpfregault@gmail.com

## APPROVAL

Town Manager: Yes  No:  Chair/Vice Chair: Yes  No:



## Quick Project Review

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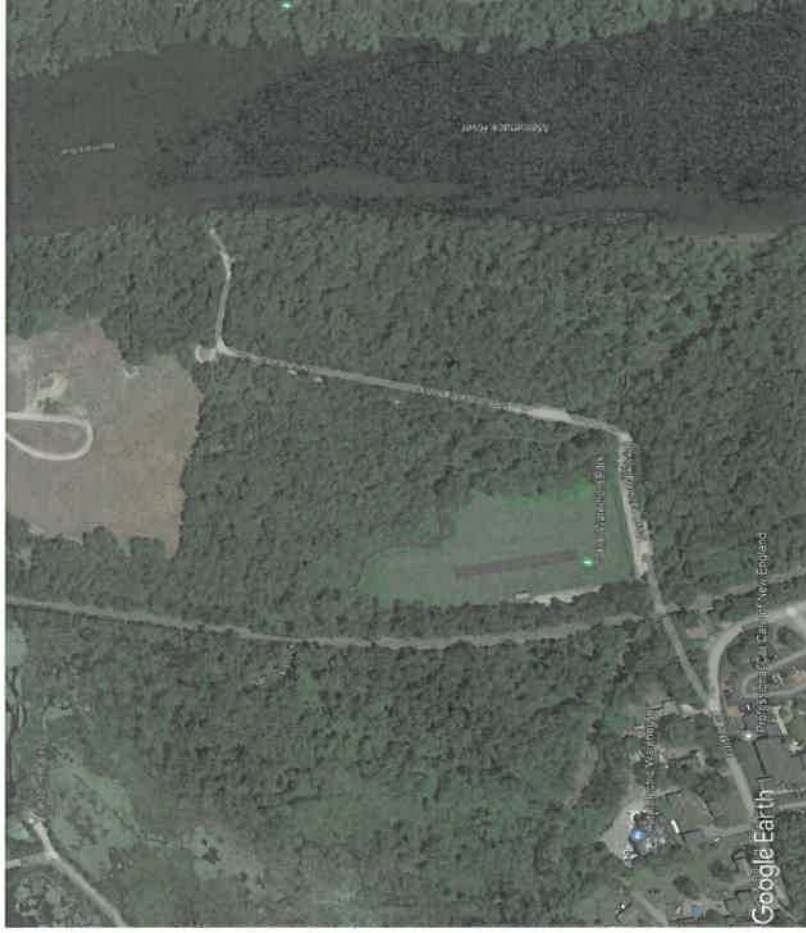
- In 1988, our flying site was originally an open sandy space.
- In the intervening 34 years, numerous trees have grown up on all four sides of the field, significantly decreasing our operating space and creating serious hazards to our aircraft.
- The Flying Eagles are seeking permission to restore some of the field to its original open boundaries.
- The effort to accomplish this task would be borne by the Club.

# Views of Our Field Over Time

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Patterson Field 1992



Drobysch-Patterson Field 2021

## Additional Inputs Requested by the Town Council

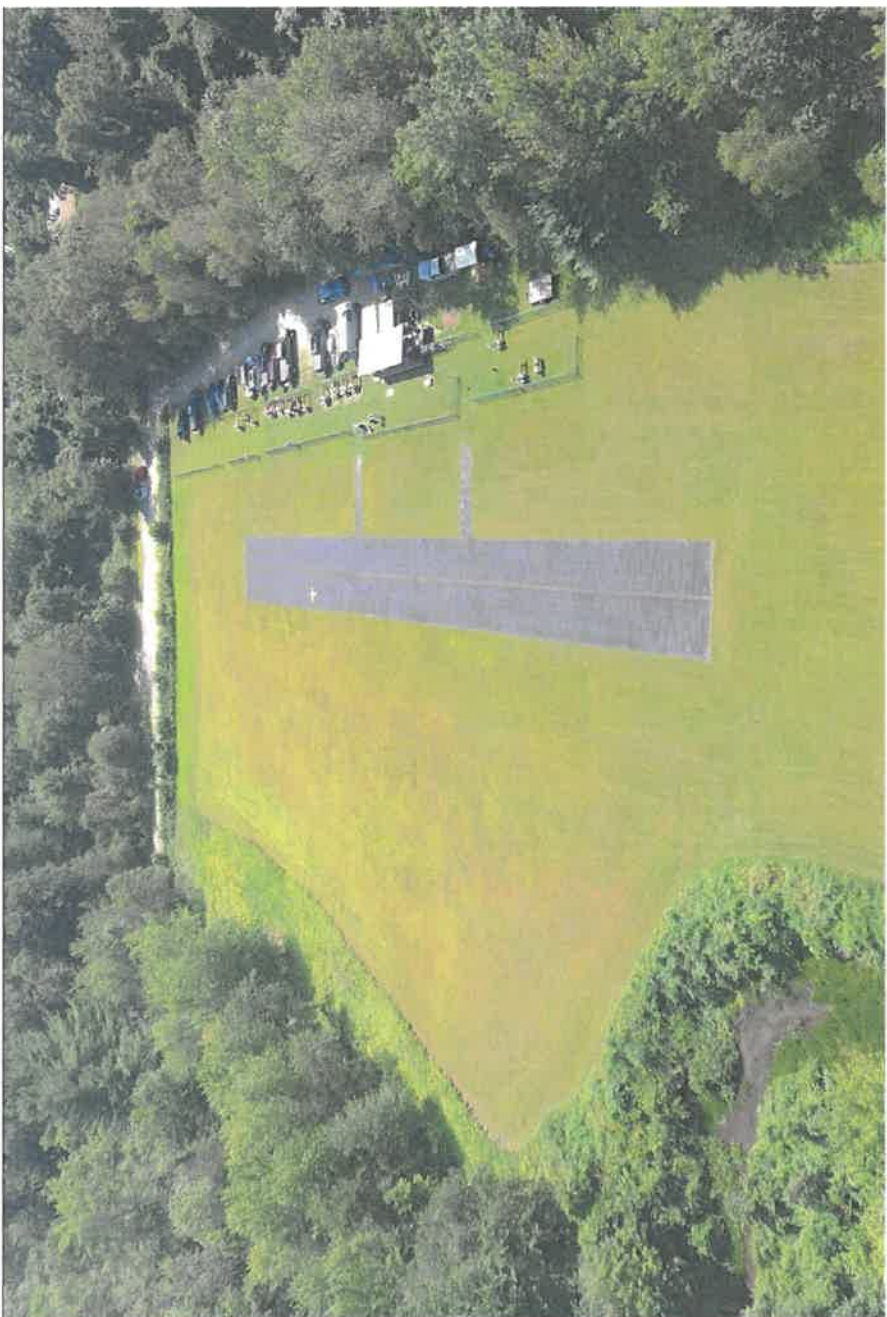
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- ▶ Inputs from the Conservation Committee
- ▶ Comments from Community Development (Planning & Zoning)
- ▶ Any Concerns of the Lower Merrimack River Advisory Committee
- ▶ Input from the Department of Public Works
- ▶ Better Understanding from the Flying Eagles of the trees to be cut



# Trees Encroaching Upon Our Field

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## Areas to be Reclaimed



# Areas to be Reclaimed





# East Side of the Field – Summer View

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# East Side of the Field – Winter View

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## East Side Trees to be Cut

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## Trees as Seen From the East Side Road

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## Restricting ATV Access

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## Bittersweet Vines at the South End of the Field

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# Inputs From Other Stakeholders

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## Meeting with the Conservation Committee – Nov 15th

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- ▶ Area to the North of little concern to the Conservation Committee
- ▶ Esthetics of the area to the East would improve if some trees were removed
- ▶ A semblance of a boundary on the eastern edge of the field would be desirable
- ▶ Some concern about cutting too many trees
- ▶ Recognized ‘Bittersweet’ infestation as a problem that the project might help with
- ▶ Some marked trees in the Southern Notch were cut prematurely
- ▶ Would like DPW input on the project
- ▶ There was general support for the project pending Town Council and DPW input



## Phone Conversation with DPW

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- ▶ Spoke by phone with Kyle Fox
- ▶ Mr. Fox stated that he had no objections to the Project but that the DPW would not be involved in the tree clearing process
- ▶ Mr. Fox did mention his concerns that proper safety procedures be observed.

## Community Development (Planning & Zoning)

- No issues with Shoreland Protection as it is a 3<sup>rd</sup> order stream (Shoreland applies to 4<sup>th</sup> order or higher)
- No issues with SoRLAC as the work area is more than ¼ mile from the Souhegan River
- Project is within ¼ mile of Merrimack River and so should be presented to LMRLA
- An intent to cut permit may be required
- There may be some value in the trees – a forester could be consulted to make that determination
- No issues from zoning/planning

## Meeting with Lower Merrimack River Local Advisory Committee

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- ▶ Met with LMRLAC on December 9<sup>th</sup>
- ▶ The Committee accepted the Flying Eagles representation that the Naticook Brook would be protected
- ▶ The brush surrounding the Brook will be maintained and preserved
- ▶ The Project represented no threat to the Merrimack River
- ▶ The Committee offers no suggested conditions on the Town's approving the project

## Review of the Project Phases

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### ▶ East Side of the Field:

- Trees are small in diameter. Will be cut by trained Club members.
- Risk and liabilities will be assumed by the Club.
- Tree trunks will be used as border buffering.
- Branches will be shredded into mulch and spread as ground cover.
- General timeframe: 12-18 months beginning this winter depending on snowfall and manpower availability.

### ▶ South Notch:

- A few remaining trees to cut
- Club will cut these trees this winter leaving trees where they fall as creature habitats
- Trees will be cut by trained Club members
- Club will assume risks and liability



## Project Phases - Continued

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- ▶ Large Pine Trees:
  - Will be cut by an insured professional tree service company.
  - Tree trunks will be used as border buffering along roadway and as closure to ATV trails.
  - Branches will be shredded into mulch and spread as ground cover.
  - General timeframe TBD based on cost, Club resources, seasonal issues, and contractor availability
  - We will clear the eastern area of the smaller trees before felling the tall pine trees
  
- ▶ North Notch:
  - Only two trees to cut.
  - Club will cut these trees this winter leaving trees where they fall as creature habitats
  - Trees will be cut by trained Club members
  - Club will assume risks and liability

## Final Thoughts

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- ▶ The project is dependent on the Council's approval before any work can proceed
- ▶ The Club will work with the Town to insure, as best as is practical, that the interests of the Town are met
- ▶ The Club believes that this project will enhance both the utilization and the appearance of the property at no cost to the Town
- ▶ A more open air space will foster a greater interest and participation in the hobby of model aviation
- ▶ The Project will not endanger either the Naticook Brook or the Merrimack River
- ▶ The Project will preserve the property's natural vegetation and not involve any more trees than is necessary for safe flight operations.

## What We Are Trying To Avoid

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# Questions?

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## Becky Thompson

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**From:** Robert P Fregault <rpfregault@gmail.com>  
**Sent:** Saturday, December 11, 2021 11:31 AM  
**To:** Becky Thompson  
**Cc:** Tim Sowder  
**Subject:** Flying Eagles

Hi Becky,

I was wondering what our next steps are. Tim Sowder and I have met with the Town Council, the Conservation Committee, the Lower Merrimack River Local Advisory Committee, and spoken by phone with DPW. It is my impression that we have met with favorable responses from all concerning our tree removal request, pending one last meeting with the Town Council. I also met with a contractor about the possibility and the cost of felling the larger pine trees. I still need to do more research in that area. Can you advise me as to what else might be required by the Town in obtaining permission to begin the reclamation work on our field? We've appreciated your help with this project.

With regards,

Bob

## Becky Thompson

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**From:** Francis G. Murphy <fmurphy@Shaheengordon.com>  
**Sent:** Friday, December 10, 2021 10:56 AM  
**To:** Becky Thompson; Nelson Disco - Town Center Committee  
**Cc:** rpfregault@gmail.com; Gene Porter; Rachael Caron; Chris Barrett; George May; ChisholmD@nashuanh.gov; george russell; Michael Croteau  
**Subject:** RE: LMRLAC Inquiry - Southern NH Flying Eagles Enhancement Project

Good Morning Becky,

Kindly advise the Town Council that the Lower Merrimack River Local Advisory Committee met last evening and heard from representatives of the SNH Flying Eagles about its planned Field Reclamation Project. The Committee accepted the representation from Mr. Fregault that the Naticook Brook (which passes through the property) would be protected and the brush surrounding the Brook maintained and preserved. In the circumstances, the Committee found that the Project represented no threat to the Merrimack River. Therefore, we offer no suggested conditions on the Town's approving it.

Please let me add that we found the presentation by Mr. Fregault and Mr. Sowder very informative not only as to the Project but also about the fascinating hobby of model aviation.

All the best.

Fran Murphy, Chair  
LMRLAC

**ATTORNEYS & STAFF ARE CURRENTLY SERVING CLIENTS REMOTELY, BUT PLEASE BE ADVISED THAT THE NEW ADDRESS FOR OUR MANCHESTER OFFICE IS 180 BRIDGE STREET, MANCHESTER, NH 03104. OUR PHONE NUMBER (603) 669-8080 WILL REMAIN THE SAME.**

**Francis G. Murphy**  
**Shareholder/Director**  
Shaheen & Gordon, P.A.  
180 Bridge Street  
Manchester, NH 03104  
**Main: 603-669-8080**  
**Fax: 603-669-0903**

**Shaheen  
& Gordon**

[shaheengordon.com](http://shaheengordon.com) | [Facebook](#) | [LinkedIn](#) | [Twitter](#)



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## Becky Thompson

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**Subject:** FW: LMLAC Inquiry - Southern NH Flying Eagles Enhancement Project  
**Attachments:** 211104 - Southern NH Flying Eagles FIELD RECLAMATION PROJECT.PPTX; 211028 - Flying Field Enhancement Project.docx; 210920 - MCC Minutes .pdf; 211004 - MCC Minutes.pdf

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**From:** Becky Thompson  
**Sent:** Wednesday, November 10, 2021 10:26 AM  
**To:** 'fmurphy@shaheengordon.com'; Nelson Disco - Town Center Committee  
**Cc:** [rpfregault@gmail.com](mailto:rpfregault@gmail.com)  
**Subject:** LMLAC Inquiry - Southern NH Flying Eagles Enhancement Project

Hi Francis and Nelson,

Bob Fregault of the Southern NH Flying Eagles has been working with the Merrimack Conservation Commission and they have been before the Merrimack Town Council for their proposed enhancement project on Town-owned land located off of Griffin Street (Sklar Park).

During their meeting on November 4<sup>th</sup>, the Town Council tabled the item to be heard at their next regularly meeting scheduled for **Thursday, November 18<sup>th</sup> at 7:00 PM**, for the reasons that they need more information and input from our Community Development (Planning & Zoning), our Public Works Department, as well as from the NHDES regarding shoreline protection.

After their research, the following has been determined:

- No issues with Shoreland Protection as it is a 3<sup>rd</sup> order stream (Shoreland applies to 4<sup>th</sup> order or higher)
- No issues with SoRLAC as the work area is more than ¼ mile from the Souhegan River
- Project is within ¼ mile of Merrimack River and so should be presented to LMLAC
- An intent to cut permit may be required
- There may be some value in the trees – a forester could be consulted to make that determination
- No issues from zoning/planning

I'm emailing you to ask if you, as the Chair and member of the Lower Merrimack River Local Advisory Committee, have any input on this proposed project? Would you require the group to present the LMLAC with their proposal?

Please advise.

Thank you,  
Becky

*Becky Thompson*

Executive Secretary, Town of Merrimack  
6 Baboosic Lake Rd.  
Merrimack, NH 03054  
Phone: 603-424-2331 | Fax: 603-424-0461  
[bthompson@merrimacknh.gov](mailto:bthompson@merrimacknh.gov)

- They were able to complete a few items last week that were originally scheduled for this week. The subcontractor was able to come in a week early to install the guardrail along the school parking. The manhole and catch basin structures were replaced as needed and raised in preparation for the final pavement was also completed. Please use caution when going through the area, they can be difficult to see especially with all of the falling leaves even though they are painted.
- Last week they have begun installing the base gravels for the sidewalk and have installed the base coat of paving for the sidewalk. They installed the new curbing on both sides of the road and have been working on the ditch line on the north side of the road. Once all of the work is complete they will be able to install the final layer of pavement. The end of this project is quickly approaching. Thank you for your time and patience during this project.
- You can continue to expect that the road will be closed and/or alternating traffic to local traffic only.

### Consent Agenda

#### **1. Proposal to Increase Athletic Field Rental Rates [Tabled at the November 4, 2021 Town Council meeting]**

*Submitted by Parks and Recreation Director Matthew Casparius*

The Town Council to review current fee charges to rent athletic fields in Merrimack and consider a proposal to increase those fees to bring them up to market rate.

**MOTION made by Vice Chair Rothhaus and seconded by Councilor Harrington to pull this Consent Agenda item off the Consent Agenda.**

**MOTION CARRIES 7-0-0**

Town Manager Paul Micali shared that he and Mr. Casparius talked after the last meeting and decided to break the fees up into four hour blocks, with residents paying \$50 and non-residents paying \$75. For an 8 hour rental, residents will pay \$75 and non-residents will pay \$100, and a rental up to 12 hours will cost residents \$100 and non-residents \$150. They also agreed on a surcharge for using the lights on the field of \$25 an hour.

**MOTION made by Councilor Harrington and seconded by Councilor Healey to accept the proposed current fee charges as presented to rent athletic fields in Merrimack.**

**MOTION CARRIES 7-0-0**

### Old Business

#### **1. Flying Eagles Field Enhancement Project Request [Tabled at the November 4, 2021 Town Council meeting]**

*Submitted by Robert Fregault*

The Town Council to consider The Flying Eagles' request to restore the field to its original open boundaries by removing a select number of trees located on the Town owned property on Caron / Griffin Street, known as the Sklar Waterfront Park.

**MOTION made by Councilor Harrington and seconded by Councilor Murphy to take this agenda item off the table for discussion.**



1 **MOTION CARRIES 7-0-0**

2  
3 Councilor Hunter shared that The Flying Eagles came before the Conservation Commission at their meeting  
4 last week and it was found out that one of the areas that The Flying Eagles proposed cutting a notch in the  
5 trees (the southern area of the map presented at the previous meeting) had already been cleared out, which  
6 was on conservation land. The Commission is now trying to figure out who cleared these trees out as they  
7 were marked, but some subcommittee members were in the area clearing out other marked trees so they are  
8 unsure if there was confusion over which trees to keep vs cut.

9  
10 **MOTION made by Councilor Woods and seconded by Councilor Healey to move to remove this item**  
11 **until The Flying Eagles resubmits and repropose a plan to remove the trees from the property.**

12 **MOTION CARRIES 7-0-0**

13  
14 **New Business**

15 **1. Computer CRF Withdrawal Request – DocStar Renewal**

16 *Submitted by IT Coordinator Jonathan Dias*

17 The Town Council to consider Information Technology's request to withdrawal \$12,558 from the  
18 Computer Capital Reserve Fund for the Docstar Renewal. The Docstar system is utilized by Town  
19 personnel as a scanning workflow platform to archive all of the paper records for personnel and  
20 Town records for all of the departments.

21  
22 Town Manager Paul Micali wanted to share that Docstar has been in place for over 17 years, and every few  
23 years it needs to be upgraded. He further stated that this is a very reliable scanner system, and to move away  
24 from Docstar would cost almost twice as much as getting a new system in place. He then shared that Docstar  
25 currently holds all of the tax collector's permanent records, as well as the human resource department's files.  
26 IT Coordinator Jonathan Dias then stated that Docstar has been having issues with scanned files not being  
27 searchable, and one of the enhancements of this upgrade is that it does OCR, which takes characters and  
28 search strings out of the document when it scans, making it easier to search in documents.

29  
30 Vice Chair Rothhaus stated that they have not had an opportunity to use the enhancements over the past  
31 number of years and wanted to clarify that they are paying for this upgrade despite not using a majority of  
32 the features. Mr. Dias shared that yes, unfortunately that is the way the upgrade works. He also shared that  
33 Docstar wanted to charge the town full price for the upgrade, but he was able to get a slightly better deal. He  
34 said that Docstar wants people to pay every year as they put a lot of time and effort into building the  
35 software. Councilor Hunter asked what the difference in cost is if they were to purchase the latest software  
36 and not do the back year payments, in which Mr. Dias shared that it would be about \$25,000 to buy it at  
37 retail value.

38  
39 Councilor Murphy asked to clarify that the town will have to pay for 5 years of services that they did not  
40 have in order to access the software for the next year, in which Mr. Dias stated that the current server that is  
41 running Docstar is running an out-of-date operating system that's no longer supported by Microsoft, which is  
42 driving them into the new version of the software. In order to get the new Docstar version, the town will  
43 have to backpay the maintenance since they didn't pay it yearly, as well as pay for the current year so they  
44 can upgrade the server platform and the user experience. Councilor Murphy then asked if anyone knew why  
45 the town didn't do this yearly, in which Mr. Micali stated that there was a financial concern by the old IT  
46 Coordinator, but now that they are unable to operate the software without upgrading the operating system on  
47 the server, they have to move forward with this now.

provide to NHDES for review and hopefully approval prior to the May deadline. Chair Perkins stated the desire for the Commission to be provided with copies of the draft.

- Possible subdivision of lot on 69 Bean Road

Chair Perkins noted the item was on last month's agenda and postponed as the property owner was unable to attend. The individual was not in attendance for this meeting either. The expectation was that the Commission would receive input from the property owner and perhaps schedule a non-public session to discuss a potential purchase. Chair Perkins will follow up with the property owner.

- Proposal to remove trees on Sklar

Chair Perkins stated there to be two separate issues. There is the portion of the property (triangular piece) located on Commission property and the request by the Flying Eagles for approval to remove trees. The second issue is a request that was put before the Town Council. Councilor Hunter stated he reviewed the Town Council meeting and believes there to be an action to appear before the Town Council after obtaining input from the Public Works Department (PWD). He is of the belief the Town Council tabled the matter until their meeting on Thursday.

Chair Perkins commented historically the Commission would discuss the issue. He would look to Councilor Hunter to represent the opinion of the Commission at the Town Council meeting. Councilor Hunter stated his impression the Town Council is looking for feedback from the Commission that it is acceptable to removal of the trees on Commission property.

Bob Frigo, Member, Southern New Hampshire Flying Eagles, stated the group met with the Town Council the prior week, and he was before the Commission to provide information on who they are, what they do, and request approval for removal of some trees.

The club was organized in 1988 and has operated on the land that was previously the Patterson Construction property. The Town later acquired the property. They are a member of the American Academy of Model Aeronautics and are subject to the rules of the Federal Aviation Administration. Currently they have a roster of about 65 members that include engineers, pilots, CPAs, tradespeople, etc. Membership is open to anyone having an interest in this particular hobby.

The AMA is an interface between the group and the FAA. Going back to about 2015-2016, the FAA started to reevaluate airspace. There are companies like Amazon and Walmart who, in the future, want to deliver packages by drone. That will make airspace more crowded and why the FAA got involved. The Flying Eagles operate what are called unmanned aircraft systems. A drone, which most people associated with what they call a quad copter, meaning it has four propellers and lifts up vertically. The Flying Eagles fly airplanes; fixed wing aircraft.

With the FAA coming out with changes in the regulations, the AMA was instrumental in carving out this particular hobby and how well it is controlled so that they did not get over-regulated or caught up in what is really commercial airline information. Under the rules of the FAA, all UAS pilots have to be registered with the FAA. All model aircraft have to carry the registration number. They are restricted in size; under 55 pounds. Clubs recognized by the FAA must comply with the rules of a Community Based Organization (CBO) such as the AMA. Aircraft must operate in designated areas and within specified altitude limits (400' and a 400 yard radius). Pilots must comply with all FAA flight regulations.

Mr. Frigo spoke of the club's appreciation for the property it is allowed to utilize and how they give back to the community. They have developed and maintained the Drobysch-Patterson Field, support the 4<sup>th</sup> of July parade, participate in Commission cleanups, raise funds for WWII Veterans "Honor Flights", support Boys Scouts' interest in aviation, and have supported the Winter Carnival and Toys for Tots.

In 1988, the field was an open sandy space. In the intervening 34 years, numerous trees have grown on all four sides of the field, significantly decreasing operating space and creating serious hazards to the aircraft. The club is seeking permission to restore the field to its original open boundaries. The effort to accomplish this would be borne by the club.

Photos were displayed of prior and existing conditions. Upon takeoff, the planes are above the trees and depth perception becomes an important issue. If you cannot see where your plane is or judge the trees, you will lose it. Mr. Frigo commented on the improvements the club has made to the property. Looking north from the south end of the field you can see the end of the runway and the trees on the west side, east side, and north end. Looking at the north end there are a few tall trees. He noted a particular tree the club is looking to remove. On the south end of the field is where they would like to cut a notch. The issue is the approach; from the south end of the field their approach is above the trees and quickly over the dirt road and end of runway. They throttle back and cut their engines, but gravity causes the plane to pick up speed as it comes down after clearing the trees and they end up overshooting the runway.

Mr. Frigo explained what the proposed project would entail:

- A select number of tall trees at the north end of the field would be felled to improve the landing approach.
- Trees along the eastern edge (mostly less than 6" in diameter) would be felled, cut into log length, and reduced to firewood or used as border edging. The branches would be either chipped into mulch or burned.
- Tree stumps would cut close to the ground and left for soil retention.
- A notch would be cut at the south end of the field to provide a landing approach from the south to help eliminate overshooting the runway.
- Natural vegetation will continue to grow on the property and provide for soil retention.
- A professional tree service would be employed to fell the larger pine trees.
- The project would be done over 2-3 years as Club resources allow.

Mr. Frigo noted the photo shows Patterson Field at the top and the loop used to bring in trucks. From that loop down to the road at the bottom was once open. They would like to open it up and reclaim it. In addition to that space is the notch that lines up with the runway.

Vice Chair Boisvert noted the notch to the south has been cut. Mr. Frigo stated to the best of his knowledge that is not completely open as of yet. Vice Chair Boisvert stated it is cut now. Mr. Frigo was unaware. Chair Perkins spoke of having visited the site on Saturday and noted a lot of cut trees. Asked if it is known who did the cutting, he commented on how the trees that were cut were the ones that were marked.

Vice Chair Boisvert was uncertain of what occurred; however noted there remain trees with paint on them. He suggested, particularly on Commission land, that flagging be used to identify trees to be cut. Mr. Frigo stated the club had spoken with Commissioner Drouin several months ago and he had requested they mark the trees they wished to cut. Commissioner Drouin stated he should have specified how the markings should have been done.

Vice Chair Boisvert commented there is no input needed on that area any longer as those trees are down. There are some 4-5 marked trees remaining. He suggested no additional cutting be allowed. Mr. Frigo asked for clarification on the area of interest of the Town Council and that of the Commission. Vice Chair Boisvert stated the area of the Commission is that referred to as the notch.

Speaking as an individual member of the Commission, Vice Chair Boisvert stated he did not have too many concerns to the north towards the Patterson property. He would like to see the area to the east, towards the river, reduced for a variety of reasons, e.g., aesthetics, 100-year flood, possible routes that could result in ATV use. He would like to see the Town involved in each step and the removal of the trees done in a manner that reflects that it is adjacent to a conservation area and that it remains a healthy forest for regrowth.

Mr. Frigo stated the desire not to increase the amount of mowing required. There is a lot of natural vegetation. Along the fence area, they have cut in the spring and allowed it to grow through the summer and fall. If they come in too hard from the north and overshoot the landing it does not hurt the aircraft to run into the weeds. They use that area as a buffer. They are not interested in clearcutting and putting more grass in because some of the vegetation is helpful. The problem is visibility once they get airborne. If they could back the trees up to where they are already on a lower glide path, it is not an issue (basically the north side of Naticook Brook).

Councilor Hunter asked for clarification, on the east side (line that parallels the road) they would like to see a line of trees left there. Vice Chair Boisvert clarified the east side paralleling the Merrimack River (in the trapezoid), they would like to see it come over.

Mr. Frigo stated he would ask a modification if that turned out to be the case; for them, the issue is the tall pines along that line. He questioned if Vice Chair Boisvert would be agreeable if they were to leave the smaller trees but take down the tall pines. Vice Chair Boisvert responded it would depend on where the pines were; however, noted that would be a decision for the Town Council, regardless. Mr. Frigo pointed out 4-5 tall pines that are an issue. Vice Chair Boisvert stated he personally does not see a problem with half a dozen tall pines. He is supportive of the club, but has concern that once the trees are gone, they are gone for a long time. He wants to ensure the project is done properly.

Mr. Frigo stated they could leave the smaller trees and just take out the obstructions, if possible. Asked about the number of trees, he stated that to be the problem; in the eastern space he would guess there are 200 trees in the trapezoid as they are very small. Providing a count is difficult.

Councilor Hunter stated his belief some members of the Council want the PWD to be involved to ensure the project is completed as determined by the Town. He will relay the concern noted to the Council.

Commissioner Drouin spoke of his understanding the Town Council has asked the Commission to weigh in. He is assuming the project would not impact inside of the buffer of Naticook Brook as there are no tall trees there. Mr. Frigo noted the 1 tall tree at the north end of the field. Commissioner Drouin remarked, in the notch, while several trees were cut, no one knows who did it, and in this country, you are innocent until



proven guilty. There remain several trees the club is looking to cut. He can see that would be beneficial to the club. He personally does not want airplanes divebombing the parking lot. Removal of those trees would increase safety.

Asked if the club would be interested in assisting with the removal of Bittersweet, Mr. Frigo responded the club would do whatever is asked. Commissioner Drouin suggested some of the trees are of value and if the club sees it as a fair exchange, it would be helpful to the Commission. Mr. Frigo questioned how one clears Bittersweet. Commissioner Drouin was uncertain. He believes ridding the area of the invasive would result in trees being saved. Mr. Frigo stated he would go back to the club to determine what resources they have but would need help in terms of the best method.

Vice Chair Boisvert questioned if the Commission has to vote on whether to leave the notch in its current condition (15-20 trees have been cut) or allow the club to cut another half dozen or so trees towards the southern edge of the notch. He personally believes enough trees have already been taken down.

Asked about timeframe, Mr. Frigo stated most of the work would be done in the winter months. Summer months pose two issues; quick growing vegetation and the desire to use that time of year for flights. Commissioner Rosati spoke of nesting season, which will start around March.

Vice Chair Boisvert asked for clarification the project would be completed by individuals utilizing chainsaws and cutting the trees low. There would be no skidding or road put in for skidding. Mr. Frigo stated there would be no roads cut in. He commented on how the Town placed stones to block roads that were being utilized by ATVs and suggested the tall pines could be dropped and serve as permanent barriers.

Commissioner Kolb stated she would defer to the subcommittee on a lot of issues. She went down to the property the prior Saturday. If the trees have gone down in the notch, it must be recent. She can understand wanting to clear and she is inclined to favor clearing the notch but would defer to the subcommittee on specific trees. To her it is a safety issue.

Commissioner Glenn stated agreement with Vice Chair Boisvert in regard to removing the tall pines, depending on timing, and particularly if they could be used to block potential ATV trails. She is concerned about who cut the trees in the notch area and would want to wait to do anything until understanding who that was.

Commissioner Drouin commented there have been other trees cut across the property and it is not known who did the cutting. We are not trying to find out given we have no cameras. The trees were marked. The sub-committee has not been heard from and they have instructions to cut marked and hazardous trees. His first thought is to assume one of them did it. He will find out.

Commissioner Kolb stated appreciation for the information provided commenting people going in and pirating the trees is not good for any of us.

Mr. Frigo stated the club has motion sensitive cameras on the field. They have not had any mischief on the field of a destructive nature.

Commissioner Drouin commented he believes it more difficult with the trees in place especially for the elderly. The elderly don't have a lot to do around Town. That is another reason he would like to support this.

## **MOTION BY COMMISSIONER DROUIN TO ALLOW THE SKLAR WATERFRONT PARK SUB-COMMITTEE TO DECIDE WHAT TREES CAN BE CUT IN THE NOTCH AREA**

*The motion did not receive a second.*

Commissioner Rosati stated the trees were marked. Commissioner Drouin clarified he would like the sub-committee to decide what remaining trees should come down.

Commissioner Rosati stated concern that the Commission does not know who took down the trees in the notch. She wants to understand who took them down and who provided permission for that to occur. Commissioner Drouin commented we may not ever find out. Vice Chair Boisvert reiterated most of the trees in the notch are down. Chair Perkins remarked that is the one thing the Commission worries about when allowing some trees to be removed.

Chair Perkins stated his impression, the consensus, in terms of the northern/trapezoid parcel, is that there is no significant objection. There is the desire for a semblance of a boundary around the eastern border as that is the road that protects it. The Commission would be elated if the PWD participates in that process.

Mr. Frigo questioned if it is the request of the Commission for the club to contact the PWD. Councilor Hunter stated his belief the Town Manager will manage the details of how involved the PWD will be.

Councilor Hunter questioned where the Commission stands on the notch. If there are 3-6 remaining trees the club would like to take down, where does the Commission stand on that?

Commissioner Kolb clarified her confidence is based on the fact that there is a sub-committee that consists of 6-7 individuals.

Commissioner Rosati spoke of being uncomfortable with there being trees down and there not being an awareness of that. Vice Chair Boisvert negotiated the purchase of the property. He knows the rules of the property and she feels more comfortable if he is down there keeping an eye on what trees are down rather than Commissioner Drouin simply stating he does not know who took the trees down and “innocent until proven guilty in this country”. She does not want the sub-committee to be on the property deciding a tree is in the way and take it down. She would like to see Vice Chair Boisvert and Commissioner Drouin work together more so they each know what the other is doing.

Chair Perkins commented he visited the area on Saturday; the notch did not look great. Vice Chair Boisvert remarked it happens to be right where the trailheads and parking are. That will be the first thing people see when they drive into Sklar. Commissioner Rosati remarked when they were there for the Hike Club walk, mention was made that the kiosk would move. A Boy Scout put that kiosk in and put a lot of work into that. She does not think anything should be done to upset the integrity of the kiosk. If moving it, it needs to be done very carefully so that it looks exactly the same.

Commissioner Drouin stated they were talking about removing some of the trees behind it and adding a second side to it. Vice Chair Boisvert commented instead of moving the kiosk they would have postings on both sides. The sub-committee desires expanding the parking lot. He is not in favor of moving the kiosk.

Asked if he has a recommendation, Vice Chair Boisvert stated he would suggest 1 additional tree be selected for removal. The rest should remain.

Commissioner Drouin reiterated his desire for the Bittersweet to be removed. Commissioner Glenn stated it could be cleaned up, but it is an ongoing project. Vice Chair Boisvert stated it to be an unsurmountable problem. If we have an opportunity to rid the area of some of it, he is agreeable, but it is not something that should be the center of our attention and efforts right now at Sklar. Commissioner Drouin suggested the club be permitted to drop 1 tree and, after cleaning up the Bittersweet in the notch, they be permitted to remove a few more trees. He believes that to be a good compromise.

Commissioner Rosati remarked they will not take out all of the Bittersweet without our help. If they are going to work on that then we help them. Mr. Frigo asked, and was told, clearing the notch of Bittersweet would be an ongoing effort. Commissioner Rosati remarked if it gets to a certain level the Commission could have someone come in and treat it; however, that is a costly endeavor. Asked if there is a poison that kills it, Commissioner Rosati stated there is, but the question then becomes do we want to use toxic chemicals. Commissioner Glenn spoke of pulling it before it climbs the trees and taking it away. Commissioner Rosati was uncertain if it could be taken off the property or that it could be burned.

Commissioner Kolb remarked what she was hearing was that there is a request to clear the notch and news that the notch may have been cleared in part. She questioned if confirmation is needed before a decision is made. Chair Perkins remarked what was essential tonight was to discuss the trapezoid area to the north prior to the next Town Council meeting. Having done that, he suggested time be permitted for Commissioners to visit the site of the notch and look to identify who removed the trees.

Mr. Frigo stated he would discuss this with the club president as he was hearing of this for the first time. Vice Chair Boisvert spoke of appreciating the presentation.

Vice Chair Boisvert noted the Town Council will have our recommendations, and we are postponing a vote on the southern notch.

### **OLD BUSINESS**

- Continued discussion about additional trail signage

Vice Chair Boisvert thanked Scott Simpson for providing approx. 11 trail signs for Grater Woods and spoke of the improvement the signs have made. Although the signs do not show up as well in the open areas of the Sklar Waterfront Park, in Grater Woods, they show up really well. Mr. Simpson has been asked to make 22 in total for Grater Woods. It is a time consuming project (4 coats of paint and lettering). Understanding the amount of time involved, Vice Chair Boisvert offered to have the Commission paint the lettering. When that project is completed, if there are additional requests, and Mr. Simpson is willing to continue making them, additional signs could be requested.

It was suggested that a decision be made in the next month or so regarding the large sign for the Sklar Waterfront Park and that the PWD be asked to provide one. Asked where the sign would be placed, Vice Chair Boisvert suggested near the kiosk.

Approximately half of the allotted \$500 has been expended. After completing the signs for Grater Woods, the supply of cedar will be depleted. If additional signs are requested more will be purchased with the remaining funds.

- LCIP annual review completion/submittal

Consent Agenda

None.

Old Business

None.

New Business

**2. Flying Eagles Field Enhancement Project Request**

*Submitted by Robert Fregault*

The Town Council to consider The Flying Eagles' request to restore the field to its original open boundaries by removing a select number of trees located on the Town owned property on Caron / Griffin Street, known as the Sklar Waterfront Park.

Tim Sowder, President of the Southern New Hampshire Flying Eagles, which is an RC airplane club, was present to discuss their club and the challenges they face in their club field. Currently, the club has 76 members and has a runway they are able to use for smaller aircraft flying so younger people can fly smaller, more affordable aircrafts. Mr. Sowder then shared that the biggest problem the club faces is that there is minimal airspace not incumbent by trees, which is a challenge to fly the aircraft or find aircrafts when they get lost in the trees. Bob Fregault then spoke, sharing that the club is comprised of aviation enthusiasts who fly radio-controlled airplanes that are subject to the same principles as full sized aircrafts and operate under the rules of the Federal Aviation Administration. He then stated that the club was formed in 1988 and was operated on land owned by Patterson Construction Company but later on was acquired by the town. After a brief description of the club and how they support the community, Mr. Fregault shared that he and Mr. Sowder are in front of the Council tonight to propose removing a select number of trees to return the field to most of its original boundaries when they first took over the field. He then stated that this is something the club is willing to do and if approved, it would not require any help from the town. Mr. Fregault then shared a slideshow comparing the field area from when it was first acquired versus now, highlighting the number of trees that have grown over the years and are encroaching on the field. Specifically, they would like to cut a notch at the south end of the field to provide a landing approach from the south to help eliminate "overshooting" the runway, as well as fell out a select number of trees at the north end of the field as well as the eastern edge, with the trees being cut into log lengths and reduced to firewood or to be used as border edging. For larger pine trees, they would like to hire a professional tree service to tend to them, and they anticipate the project to be done over a 2-3 year period as club resources allow.

Councilor Woods shared a concern over liability for all the tree cutting on town property, in which Mr. Fregault stated that all of the club members who would be partaking in this have private liability and homeowners insurance, so they would assume the risk of taking down the trees, minus the larger ones that would get taken care of professionally. He is open to signing any forms from the town stating that the club takes full responsibility and understands the risks before beginning the work.

Councilor Murphy asked to clarify the number of trees that would be cleared out in an area highlighted in their presentation. Mr. Fregault explained the area they are referring to, stating that they are looking to clear a small area with an estimated couple dozen trees, which are all saplings and are bunched together so they are thicker than the picture makes them look. Councilor Healey then stated that Michael Drouin, who is the Chair of the Conservation Subcommittee for Sklar Park, was present at the meeting and invited him to speak on this issue. Mr. Drouin shared that the club has gone to him with this request, and after doing some research he brought this idea to the Committee, which did not want to vote on this issue because it is not



their property, rather it is leased from the town. He then shared that the Committee would like the wetland buffer around Naticook Brook to be respected, but overall Mr. Drouin is in favor of this idea, sharing that he believes that once this land is restored, more people will become interested in this club which will draw more attendees to Sklar Park. Councilor Murphy then asked if Mr. Fregault would take into consideration the Conservation Subcommittee's request about the wetlands, in which Mr. Fregault said that this area has mostly vegetation and they would not put anything in the river such as debris or soil erosion from the project. Mr. Drouin then asked if the club could make some sort of fence or barrier to discourage off-roading in the area near the wetlands. Mr. Fregault stated that the club would build a retainer to establish the boundary, and the vegetation in this area is so thick that he does not believe people would be able to walk through it.

Vice Chair Rothhaus shared that he is in support of the club's ideas and would like the town to know what is going on and be aware of the new rules that will be set once the land is cleared out. Town Manager Paul Micali stated he is concerned about the Shoreline Protection Act, stating that the town does have an ordinance that is stricter than the normal regarding cutting trees, so the club would have to follow that. He suggested to the Council that if this gets approved, the club get DPW involved in this project before any tree cutting begins. Another concern of his is the members volunteering on this project using chainsaws. He stated that he does have a ruling from the town attorney stating that this can be done, but the club would have to go over safety procedures and sign paperwork with the town before anyone begins cutting, stating that there is more safety equipment needed when cutting a municipal property versus private property. Mr. Fregault clarified that the club takes safety very seriously, and that only a small group of club members would partake in the actual tree cutting and are in agreement with reviewing safety procedures.

Councilor Harrington shared that she would like to get feedback from the DPW on this project before voting on it, because if the ordinance requires a modification, then that has to be built into what the plan would be. Councilor Healey wanted to add that when DPW gets involved that there is a very clear delineation pole-to-pole of which trees are going to be cut. Chairman Koenig asked Mr. Drouin to clarify if the notch area is on Sklar Property, in which Mr. Drouin stated that the notch is squarely on conservation property and Sklar starts on the other side of the road. Because of this, Chairman Koenig stated that the club would have to go in front of the Conservation Committee to approve of this as a formality before they begin any project on their property. After some discussion, the Council is in agreement to wait to hear from DPW before moving forward with this request. Mr. Fregault will reach out to Becky at Town Hall tomorrow morning to get in touch with DPW and they will return to the Council in the near future with an update.

**MOTION made by Councilor Harrington and seconded by Councilor Healey to table this discussion to the November 18<sup>th</sup> Town Council meeting, pending the information requested by the Town Council.**  
**MOTION CARRIES 6-0-0**

### **3. Proposal to Increase Athletic Field Rental Rates**

*Submitted by Parks and Recreation Director Matthew Casparius*

The Town Council to review current fee charges to rent athletic fields in Merrimack and consider a proposal to increase those fees to bring them up to market rate.

Parks and Recreation Director Matthew Casparius was present to discuss an overview of field use fees. He shared that current athletic field use fees have been in place since 2010, and most of the field usage is taken up by Merrimack based teams which do not pay anything to use the athletic fields. Non-Merrimack teams are charged a fee of \$30.00/day without lights, \$125/day with lights, and the fields are used 7 days a week from spring through fall. He then shared that the rentals that they do get brings in approximately \$6,500 per year, primarily from three groups who rent on a weekly basis. Between these three groups and the Merrimack based teams, there is very limited field availability, and they get more requests than they can currently