



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION JANUARY 6, 2020 MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, January 6, 2020 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Matt Caron, Chair, presided:

Members of the Commission Present: Steven Perkins, Vice Chair
Gina Rosati, Secretary
Cynthia Glenn
Gage Perry
Eric Starr, Alternate Member
Michael Swisher, Alternate member

Members of the Commission Absent: Michael Boisvert
Tim Tenhave, Alternate Member
Councilor Peter Albert

Also in Attendance: Ray Green, Hillsborough County Comm., NH Fish & Game
Lt. Bill Boudreau, District 4, NH Fish & Game

Chair Caron designated Eric Starr to sit for Michael Boisvert and Michael Swisher for Councilor Albert.

PUBLIC COMMENT - None

PUBLIC HEARINGS – None

APPOINTMENTS

- Ray Green, Hillsborough County Commissioner - NH Fish & Game

Chair Caron noted the Commission has been made aware of concerns relative to gunfire on Commission property; particularly Grater Woods where residential properties border a pond. Gunfire can be heard as early as 5:00 a.m. at the start of duck hunting season.

Lt. Bill Boudreau, NH Fish & Game, spoke of having watched recent meeting(s) of the Commission noting some confusion/misinformation that he was hopeful he could clear up. As the Lieutenant, he supervises the officers that cover 57 towns in the southwest corner of the State. Fish & Game is responsible for enforcing

hunting and fishing regulations and OHRV enforcement in addition to search and rescue in the woods and waterways.

Shawn Macfadzen is the Conservation Officer who covers the Town of Merrimack. Conservation Officers are given a patrol area that can be anywhere from 5-12 towns. It is their responsibility to enforce the rules and regulations in their patrol area. Mr. Macfadzen is relatively new to this area having only been on for a few years.

Lt. Boudreau stated his belief Mr. Macfadzen has not received any calls concerning hunting on Town properties. He suggested Mr. Macfadzen would be willing to meet with the Commission and/or visit the problem areas. Fish & Game is a resource for the community. If aware of an issue, Mr. Macfadzen could dedicate time to a specific area as part of his normal patrolling duties.

Issues relative to vandalism caused by ATVs, etc., would be addressed by local law enforcement, but anything related to hunting, OHRVs, or illegal dumping are issues NH Fish & Game could address at no cost to the community.

Commissioner Perry spoke of a section of the pond that is in close proximity to the residential area; however, outside of the 300' buffer. The Commission has considered closing off that section of trail. He questioned the ramifications of such an action. Lt. Boudreau indicated there would be no action Fish & Game could take if hunters discharged a firearm beyond the 300' limitation. He spoke of having heard mention that it is a public body of water, which restricts the action of the Commission. Beaver Pond is not a public body of water, and there is nothing that prohibits the Commission from restricting that activity as the water is considered to be part of the property. A list of those considered a public body of water, which is 10 acres or larger (great ponds), can be found on the front page of the NHDES website.

Lt. Boudreau spoke of the importance of posting, should a decision be reached to dictate a greater buffer area on the property. There would be nothing Fish & Game could do in regard to the discharge of a firearm, but were the property to be posted with a larger buffer, and hunting occurred within the identified buffer, it would be an issue of trespass that NH Fish & Game or local law enforcement could address.

In instances of public bodies of water, bordering landowners cannot prohibit use of the water. However, Beaver Pond is not a public body of water.

Commissioner Perry commented on the concern that closing off that trail and increasing the buffer would only move the problem to another area, which would result in firing towards the neighborhood.

Chair Caron spoke of the discussion that occurred with abutting landowners.

Asked if it was more of a noise complaint than a safety concern, the Commission stated it to be a mix. Lt. Boudreau commented he cannot offer much advice in the way of noise. In regard to safety, hunting is one of the safer sports that a person can participate in. He spoke with the officer that covered the Town for nearly 23 years who indicated he was not aware of any hunting related shooting in Merrimack during his tenure. There have been 3 fatal hunting accidents in the State in the last 10 years; one of which was a heart attack.

Chair Caron spoke of the 20± residents that met members of the Commission in the woods to discuss the concerns. During their time there, they came across 2 coyote hunters leaving the woods. Their presence is something that surprises and causes other users of the trails to be uneasy.

Commissioner Green questioned if it is more an issue of education. Firearms are in the forefront of discussions at the local and national level. As a sportsman, he thinks of the kneejerk reaction of an individual who sees a firearm as a cause for concern. Chair Caron spoke of the information that was able to be shared with the residents during their meeting in the woods. Commissioner Green suggested sending someone from hunter education to visit the area/residents. Lt. Boudreau commented on the statistics; you are more likely to be hit by lightning than to be shot by a hunter. The odds go up slightly if you are out there hunting. For a person who is just out recreating the odds are extremely small.

Commissioner Rosati spoke of a resident who indicated she is not against hunting; however, while walking her dog in the woods she came across a hunter who stated "if your dog chases my deer I will shoot your dog.". The question becomes who has the right of way when it comes down to a hiker walking and a hunter hunting. Lt. Boudreau stated a person could not shoot someone's dog. They would be arrested and charged for that. Although there isn't really a right-of-way, there is a hunter harassment law. A person could not actively try and interfere with someone legally hunting, but that is not a person walking their dog.

Lt. Boudreau stated if receiving a call with a concern that a hunter is hunting within the 300' buffer, an officer will respond to ensure they are adhering to the buffer, shooting in a safe direction, etc. OHRVs are sort of the opposite of hunting; where hunting in the State is considered open unless posted, OHRVs are considered closed unless signed as open to OHRVs. If the Commission does not permit ATV use on the properties, they cannot be there, and can be issued summonses if on the property.

Chair Caron spoke of the Sklar property where hunting and OHRV issues have been seen. Lt. Boudreau requested the Commission make Mr. Macfadzen aware. The department sometimes has State funding to pay officers overtime to address complaints. A portion of OHRV registration revenue goes to Fish & Game and is used to implement the OHRV programs; provide education, registrations, and law enforcement. There are grants available to towns.

Chair Caron spoke of having placed boulders on the Sklar property as a means of restricting access. The following weekend the rocks were moved out of the way.

Lt. Boudreau responded when having a major problem like that, a lot of times, they can focus in the area for a few weekends and provide education to everyone that enters the area. Typically those types of problems will disappear for some time. That type of targeted enforcement could be provided. A motor vehicle becomes an OHRV if it goes off the road, and there are laws preventing them from driving that out onto your property if you are trying to keep people from riding off road/trail.

Chair Caron indicated the Commission would follow up with Mr. Macfadzen to make him aware. Lt. Boudreau noted there is also a dispatch number that is open 7 days/week. Local police departments can enforce OHRV and hunting and fishing regulations as well.

Commissioner Swisher spoke of the landowner relations section of the Fish & Game website commenting it appears as though there is a sign program that makes signs available free of charge to landowners. Asked if municipalities are included in that, Lt. Boudreau stated he could obtain an answer to that. Lindsay Webb is the landowner relations person. The program is called the Cooperative Sign Agreement. He provided the example of a private landowner having 100 acres and wishing to sign 10 acres around their residence but leave the rest open. He/she could be provided with the signage to post around the 10 acres because of the agreement to keep the other 90 open for hunting and fishing activities.

Asked about signage for safety zones, which may be able to be used around the beaver pond to extend buffers, Lt. Boudreau stated he would request Ms. Webb reach out to the Commission.

Asked if he has seen towns choosing to close off more properties because of the interaction with the public, Lt. Boudreau responded towns aren't able to close the entire town to hunting. There is probably more where town properties are being closed to hunting. He does not believe that is going over well in the hunting community, but more of an issue that is being seen.

Commissioner Swisher questioned if statistics are kept on the amount of acreage in the State that is open, and whether there is data on available acreage geographically. Lt. Boudreau stated he has never seen statistics on that. He believes there to be data on the amount of developed area in the State although he has never seen that with Fish & Game.

Commissioner Perry suggested the Nashua Regional Planning Commission may have that type of information available.

Asked if Fish & Game generates annual reports on the areas and number of complaints received, Lt. Boudreau stated it is not tracked geographically. The department does receive Right-to-Know requests, which may be able to be sorted to identify the number of hunting complaints in town. However, that would not encompass all calls as some are made directly to the officer, some to the police department, etc. It would be difficult to gain an exact number or statistics on specific problem areas. A local conservation officer may know based on experience.

Commissioner Rosati spoke of instances occurring on State owned land such as locating a hunting stand. She questioned if identification is required on a hunting stand, and was informed it is not. Fish & Game encourages it, but it is not required by law. Every State property is managed differently, e.g., DOT may have different management than other State properties. If the tree stand is not causing any damage to a tree through inserting anything metallic, hammering nails, etc., and is just a hang on or climber tree stand, those are considered open. A hunter can put that out there and is not required to have their name and address on it. There is a requirement to have the name on a bait site, but the only way baiting can occur is with landowner permission.

Commissioner Perry spoke of people who were backed up to the property baiting for photography reasons. He was uncertain of the legality. Lt. Boudreau stated feeding is not illegal until it becomes a problem for deer or bear. They discourage that activity.

Chair Caron suggested a meeting be set up for the September timeframe where the Conservation Officer could provide educational information to the public.

Chair Caron spoke of learning of Fish & Game's database of lands considered prime for trails and specific activities. The Commission has a 2015 habitat ecological study. The areas that are typically great for wildlife are also high on the Commission's list of properties for which grant funding may be sought to support improvements.

Commissioner Rosati spoke of the Commission's efforts regarding submission to the Aquatic Resource Mitigation (ARM) Grant Fund. Working with GZA GeoEnvironmental, efforts are underway to identify which land parcels would likely have the greatest opportunity for a successful submission. She commented on Fish & Game's prime habitat list and asked if NH Fish & Game could provide input on parcels the

Commission may consider for submission to the ARM Fund. Commissioner Green will provide contact information for the Land Management division within Fish & Game.

Chair Caron spoke of the Town of Londonderry's Conservation Officer position, and questioned the opinion relative to individual towns having such a position. Commissioner Green responded his position is mixed. Lt. Boudreau responded as Londonderry is not within his district, he is not overly familiar. He has spoken with the Conservation Officer who covers that area. It sounds as if OHRVs are part of it as are animal control officer type duties.

While watching one of the Commission's recent meetings, he heard mention that the Londonderry Conservation Ranger received two weeks of training from Fish & Game, which is not true. It is the only town in the State having such a position.

Commissioner Green commented he believes the way the Commission is approaching the issue, looking at the big picture and learning what options are available, is the correct direction to take. He commented Lt. Boudreau is the law enforcement side of Fish & Game, he has a law enforcement background, and his one word of concern would be that of liability. He strongly recommends the Commission meet with the Police Chief. What the Commission is looking to address and that which the Town of Londonderry seeks to address could be two entirely different situations.

Lt. Boudreau commented it appears to him most of the activities the Commission is looking to address are things Fish & Game would be able to assist with. Although they could not dedicate the same amount of time an employee of the Town could, he believes a lot of the concerns could be allayed. Commissioner Green commented the Town of Milford considered such a position, and chose not to pursue it.

There being no objection, the Commission went out of the regular order of business to take up discussion on the Conservation Land Manager Proposal.

- Conservation Land Manager Proposal

Commissioner Starr spoke of information provided relative to a possible position description (copy attached). He reviewed Londonderry's Conservation Ranger position, and focused on the educational and outreach aspects. The draft identified an individual who would have responsibilities as a land manager, groundskeeper, educator, and researcher. Details were provided for each of those roles. Options relative to cost analysis were included.

As it is not believed the Commission could cover the cost of such a position in the long-term, there would have to be buy-in from the Town.

Asked if he envisions such a position falling under a particular Town department, Commissioner Starr was uncertain which would be most appropriate.

Commissioner Perry commented he had originally viewed such a position as having enforcement capability. The proposed description takes another direction. He spoke of being more proactive about getting Fish & Game involved with issues faced on the properties.

Vice Chair Perkins volunteered to be the contact person with Mr. Macfadzen, and keep him apprised of any issues brought to the attention of the Commission. The Commission was receptive to and appreciative of the offer.

Chair Caron suggested the Commission invite the individuals who have volunteered to serve on a sub-committee for the Sklar property to be present when meeting with Mr. Macfadzen at the property.

Commissioner Rosati stated agreement with the approach of working more closely with NH Fish & Game, and reassessing the need at a later date. Chair Caron noted Councilor Albert had indicated he would look to set up a meeting with the Town Manager and Police Chief. It does not appear that will take place. It is not an expense the Town appears to be willing to incur, and is one the Commission could not support long-term.

Commissioner Swisher noted most of the duties identified on the proposal have been handled by volunteers. The research aspect has been outsourced with different organizations, e.g., GZA, Moosewood Ecological. He appreciates the idea of a steward of the land who is present to provide education, and suggested the Commission would cover the cost of such a position. However, he is uncertain if that is the best use of the Commission's finances.

Commissioner Starr questioned the amount of Commission funds expended on the research aspect. Commissioner Perry noted the small budget the Commission has within the Town's budget, and that funding expended by the Commission is project based.

The Commission returned to the regular order of business.

STATUTORY/ADVISORY BUSINESS – None

NEW BUSINESS

- 20th Annual Seedling Giveaway

The Commission reviewed information on what species have been most successful in prior years, e.g., Dogwoods. Although people tend to believe with Dogwoods they are receiving a large flowering tree, it is in fact a bush.

Commissioner Rosati questioned if Silver Maples could be added to the list. Commissioner Perry stated they have been included on the list in prior years. The Agriculture Commission has nixed that idea in the past. As far as hardwoods go, it is not a sturdy tree.

The Commission discussed the possibility of promoting the event, and utilizing the opportunity to solicit for sub-committee membership.

The Commission discussed the proposed species list noting the desire to include additional dogwood. The varieties to be ordered include; maple leaf viburnum, alternate leaf dogwood, crabapple, and red cedar as well as the wetlands package consisting of silky dogwood, buttonbush, spice bush, wetlands rose, and pussy willow and the songbird/wildlife package consisting of American hazelnut, native grape, elderberry, and beach plum.

**MOTION BY COMMISSIONER ROSATI TO APPROVE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED FOUR HUNDRED FIFTY DOLLARS (\$450.00) FOR THE PURCHASE OF PLANTS NEEDED FOR THE MAY 9, 2020 SEEDLING GIVEAWAY. SOURCE OF FUNDING IS FUND 53
MOTION SECONDED BY VICE CHAIR PERKINS**

MOTION CARRIED

7-0-0

- Annual Duck Box Cleaning and Inventory

Chair Caron noted all of the wood duck boxes were hung. Commissioner Rosati would like to have one available for the Winter Carnival.

He spoke of the quality of the boxes that were purchased through a contractor versus that of the homemade boxes. The ducks utilize the contractor made boxes more frequently and those are generally found to have remnants of eggs as opposed to unhatched eggs. He commented on the resource that is the [website](#) of the contractor. Some of the homemade boxes need to be replaced. Asked about the cost, he stated it to be in the area of \$30.

When last discussed, the Commission approved an additional purchase; however, that did not occur. It was suggested 6-8 additional boxes be purchased. Two were lost last year. One will need to be replaced on Lastowka Pond this year.

MOTION BY COMMISSIONER ROSATI TO APPROVE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED THREE HUNDRED DOLLARS (\$300.00) FOR THE PURCHASE OF SIX (6) DUCK BOXES FROM GREGG'S WOOD DUCK BOXES, BURT, MICHIGAN. FUNDS ARE AVAILABLE IN FUND 53

MOTION SECONDED BY COMMISSIONER PERRY

MOTION CARRIED

7-0-0

- Parks & Rec. – 2020 Winter Carnival

Scheduled for Saturday, February 22nd at Wasserman Park. Suggested was that, in addition to maps, the Commission bring along for display one of the older homemade duck boxes and a duck box from Gregg's.

Commissioner Rosati suggested planning and advertising for a hike to take place. The concern was that it would not be well attended given the need for participant planning, e.g., clothing requirements. The event could be added to the list of events for the day. Commissioner Rosati will reach out to Matthew Casparius, Director, Parks and Recreation, to request the same table as prior years (first room) and his opinion relative to scheduling a hike.

- MCC Parcel & Acquisition Process

Chair Caron suggested, in the absence of Commissioner Tenhave, the discussion be tabled until the next regularly scheduled meeting.

OLD BUSINESS – None

OTHER BUSINESS

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

2. Sub-Committee Updates

Wildcat Falls

A meeting of the sub-committee will take place on Tuesday, January 7, 2020 at 6:30 p.m. in the Merrimack Memorial Conference Room.

The Winter Moonlight Snowshoe Night had originally been scheduled for January 10th. However, conditions are not favorable. The next planned date is Saturday, February 9th from 7:30 - 9:30 p.m. Denise Roy, Chief, Merrimack Police Department, Eileen Cabanel, Town Manager, and the Town Council have been informed of the planned event.

Chair Caron noted the list of meeting dates for sub-committees has been distributed. No feedback has been received.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [December 16, 2019](#)

The following amendments were offered:

Page 1, Line 47; replace “occur” with “necessary”

Page 6, Line 5; replace “Commissioner Swisher” with “Vice Chair Perkins”

MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED

MOTION SECONDED BY COMMISSIONER GLENN

MOTION CARRIED

6-0-1

Commissioner Perry Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS - None

ADJOURNMENT

MOTION BY COMMISSIONER GLENN TO ADJOURN

MOTION SECONDED BY COMMISSIONER PERRY

MOTION CARRIED

7-0-0

The January 6, 2020 meeting of the Merrimack Conservation Commission was adjourned at 8:34 p.m.

Submitted by Dawn MacMillan

Conservation Land Manager job proposal Town of Merrimack

For the last several months, the Merrimack Conservation Commission has been discussing the hiring of a conservation ranger for the town. While we all seem to agree that the position would improve the quality of Merrimack's conservation lands, we also seem to be unsure if the position would be vital enough to justify the costs of employment. These concerns would be alleviated if the position's responsibilities were expanded.

The Conservation Land Manager would take on the role of land manager, groundskeeper, educator, and researcher. The diversity of roles for this position would guarantee that the conservation land manager is always busy and can reliably change focus at the behest of the conservation commission. It provides education to young students, opportunities for older students, a better experience for visitors, and more information for the conservation commission and the town.

As a land manager, the conservation land manager would patrol the conservation lands to ensure all visitors are respecting property rules and answer any questions visitors might have. People who have concerns regarding conservation land that do not warrant a police response may contact the conservation land manager directly. The land manager does not have the enforcement powers of a conservation ranger, but will be able to alert anyone who is violating property rules and have them correct their behavior.

As a groundskeeper, the conservation land manager would be responsible for taking care of the town's conservation lands to ensure a good experience for the people who visit the lands as well as the animals that live there. This includes picking up litter, cleaning vandalism, fixing signs, clearing invasive species, and maintaining trails. Currently, this duty falls on volunteers and good samaritans. A conservation land manager would ensure that these actions are taken quickly and consistently.

As an educator, the conservation land manager would be available to provide convenient and informative education to local students on subjects such as ecology and conservation biology. Students will learn not just about science, but about their town as well. Meanwhile, schools will have a cheap and reliable option for field trips or after-school programs. High school students would have the opportunity to assist the manager on ecological surveys to gain experience for a future career in science. In addition to providing the town with valuable information on its conservation lands, the conservation land manager will also be training the next generation of scientists right here in Merrimack.

As a researcher, the conservation land manager will conduct year-round studies on Merrimack's conservation lands. They will provide yearly reports on the state on each major property to give the conservation commission a clearer idea of the health of the properties. These reports could include animal and plant species listings, population estimates, forest growth/decline, and water quality readings. These studies would provide the town with much of the information that would come with a contracted ecological survey at a much lower price.

A permanent position would need to be funded by the town. If this town is apprehensive to funding the position immediately, the conservation commission could do one of three "test runs" with the position to see how the position would work in practice without a significant commitment. These test runs could be a 6-month period covering April 1 through October 1, a one year period, or a two year period. The shorter periods are cheaper while the longer periods would be more informative.

The cost of the position will depend on the wages, hours, and length of the position. Below is a brief table showing the cost by pay rate and schedule:

Potential Wages	\$30/hr	\$25/hr	\$20/hr	\$15/hr
Full-time, year-round*	\$60,000	\$50,000	\$40,000	\$30,000
Full-time, 6 month**	\$33,600	\$28,000	\$22,400	\$16,800
Part-time, year-round***	\$39,000	\$32,500	\$26,000	\$19,500
Part-time, 6 month**	\$21,840	\$18,200	\$13,520	\$10,920

(Additional costs may include apparel, tools, digital camera, mountain bike, etc. Together, these items would cost no more than \$2,000.)

(* Does not take cost of benefits into account.)

(** 28-week period from April 1 to October 1.)

(*** Part-time assumed to be 26 hours a week.)

Depending on the total numbers of hours for the job and how those hours are divided up, the conservation land manager may perform responsibilities valued anywhere between \$23,000 and \$126,000 per year. However, this is only taking the monetary value on the jobs themselves into account. Other economic benefits which are too difficult to estimate include the effects of training students, improved ecological services, promotion of properties, and the intrinsic value of having better protected, better studied conservation lands. All together, the benefits of a conservation land manager would outweigh the costs many times over each year.

Eric Starr
Merrimack Conservation Commission