



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION FEBRUARY 10, 2020 MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, February 10, 2020 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Matt Caron, Chair, presided:

Members of the Commission Present: Gina Rosati, Secretary
Michael Boisvert
Cynthia Glenn
Gage Perry (arrived at 6:42 p.m.)
Eric Starr, Alternate Member
Tim Tenhave, Alternate Member
Councilor Peter Albert

Members of the Commission Absent: Steven Perkins, Vice Chair
Michael Swisher, Alternate member

Also in Attendance: Mike Caristi, 2 Weston Hill Road, Mont Vernon

Chair Caron designated Eric Starr to sit for Steven Perkins.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS - None

NEW BUSINESS

1. Mike Caristi – private group run at Horse Hill Nature Preserve

Mr. Caristi spoke of a group of friends who participate in marathon trail runs (100⁺ miles/24-36 hours), and the desire of that group to set up a small, private run (8-20 participants). The Horse Hill Nature Preserve (HHNP) came to mind as a great place for the private run. He questioned if that is the type of event the Commission would permit, and what would be required. Noted was that some group members are experienced race directors.

Mr. Caristi commented he would likely look to see if a porta-potty could be delivered for the overnight and perhaps a canopy where gear could be stored to accommodate bad weather (likely located in far corner of parking lot). The plan would be to have someone onsite at all times. The group is looking for the mid-April or mid-June timeframe.

The trail would be marked, and the group would be happy to perform trail maintenance. At the conclusion of the race the course sweeper would remove the flags and ensure the area is left clean. The event would be expected to run from Saturday morning around 8:00 a.m. through to Sunday afternoon. Asked if there would be the need for additional infrastructure such as water stations, Mr. Caristi remarked they typically don't have that with trail races. Sometimes there is a manned aid station, but with the loop being about 4 miles, they would not need that. There would be the 1 canopy in the parking lot that could be used to refill water bottles, etc.

Asked whether there would be anyone staying overnight, Mr. Caristi stated there would be a volunteer person located at the canopy to watch over the equipment. The racers run at different paces and would be in and out of the area regularly (run through the night).

Asked if there would be individuals course marshalling, etc., Mr. Caristi stated his belief that would not be needed just because it is the loop they would be traveling. Everyone in the group is very experienced (30-40 races under their belts).

Councilor Albert questioned, and was informed a plan would be generated and presented to the Commission. He suggested Mr. Caristi contact the police and fire departments to make them aware of the event. Mr. Caristi stated that would definitely be part of the plan, and noted there are a number of people in the group that are wilderness first aid certified.

Commissioner Rosati questioned if Town Council approval would be needed. Commissioner Tenhave noted although Town property, it is managed by the Commission. He commented on snowshoe races that were done in the past and the requirement for an insurance waiver. Mr. Caristi stated his understanding were it a race open to register and pay to participate in, that would be a requirement. He does not believe it needed for a private group of people getting together. His focus in coming before the Commission was to determine what could be done for the trail system itself and permission to have the base in the parking lot. He stated he would reach out to some who are race directors to identify the benefits of an insurance waiver.

Councilor Albert stated his belief the Town Council would want a recommendation from the Commission, and the likelihood of restrictions pertaining to activities such as a camp fire. Commissioner Tenhave suggested making the Town Manager aware. Because it is not an organized race, it really wouldn't be any different than 4-5 people going together. He did suggest making the neighbors aware.

Chair Caron requested Mr. Caristi return to the Commission with a written plan identifying the time for delivery/removal of the porta-potty, placing and removal of flags, contact information, confirmation of notification to police and fire, etc. That information could be shared with the Town Manager and the sub-committee. He noted work being done by the sub-committee and the possibility that group may look to the group for some volunteer work on the trail.

Commissioner Tenhave suggested a sign could be placed the prior weekend notifying users of the event. He requested users of the trails look to avoid parking on the road.

OLD BUSINESS

1. ARM Fund Grant: Top 8 properties to consider

Commissioner Perry provided a copy of the final report from GZA GeoEnvironmental, Inc. To provide an opportunity for review, the Commission tabled the item until its next regularly scheduled meeting.

2. Update Maps with Safety Zones

Chair Caron spoke of prior discussion around Grater Woods, and the desire to add safety zones to the map.

Commissioner Starr shared a copy of a map showing safety boundaries around the residences and the additional boundaries discussed at the last meeting; Conservation Drive, Beebe Lane, and the school property. Chair Caron stated the topic to be an agenda item for the Grater Woods Sub-committee; however, the Sub-committee did not meet.

Councilor Albert stated the desire to be able to view the areas in question on a map and that the map be able to be displayed for the viewing audience. Arrangements will have to be made for a videographer to be present to work the cameras to focus on an easel that a map could be placed on.

Councilor Albert spoke of his understanding and support for the idea; however, commented there are some who are concerned the intent would be to block off a large section of the property from hunting. He would like to be able to alleviate that concern by providing a visual aid (map). He suggested, once a proposal is drafted, that it be posted to the website for public viewing and input.

Chair Caron suggested the Commission first discuss the desired area for safety zones, e.g., every home that abuts Grater Woods, every trail area that is in proximity to a residence. There are a good number of homes that surround Grater Woods; some are elevated in comparison to the trails and others a good distance from the trails. Councilor Albert spoke of the intent of the Commission to address the issue that has come forward regarding duck hunting.

Asked if he has broached the subject with the Town Council, Councilor Albert indicated he has been waiting to learn of the direction of the Commission. The section being discussed is managed by the Commission, but is owned by the Town. Councilor Albert stated he would sit with the Town Manager to make her aware, and gain her feedback. Commissioner Tenhave spoke of his attempts to get before the Town Council to discuss Chapter 111. It was suggested this item also be placed on a Town Council agenda for discussion.

Chair Caron spoke of the need for him, Councilor Albert, Town Manager Cabanel, and Police Chief Roy to meet regarding a number of topics. Councilor Albert will look to set that up.

The suggestion was made that the Commission have a more detailed discussion of the areas being considered for designation as safety zones, that a member of the School District be invited to participate in that discussion, and that the information then be brought before the Town Council for input.

Commissioner Tenhave commented on the easement area around the school, which would be the boundary (no discharge of weapons permitted). Commissioner Starr stated there to be two parcels around the middle school; one to the north (owned by the Town) and one to the south (smaller). The property to the south restricts discharge of firearms.

Commissioner Perry remarked when last considered, the legal opinion provided was that if someone chooses to challenge the restriction, the matter would be decided in court. He would like to understand the Council's position on that.

Commissioner Tenhave suggested the Commission conduct a working session in order to consider which areas should be identified as safety zones, and bring a marked up map forward for discussion/display at a regularly scheduled meeting to gain public input before bringing the matter before the Council.

Chair Caron stated the item will appear on the agenda for the March meeting, a map will be available for display. In the interim, he and Councilor Albert will look to meet with the Town Manager to bring her up to speed on the activities thus far and to gain her opinion. He will also reach out to a member of the School District regarding the restrictions on their property.

Commissioner Boisvert spoke of having met with a gentleman that resides at the end of Grater Road who is very happy about the gates and firearm restriction.

OTHER BUSINESS

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

Commissioner Tenhave spoke of an email sent to the Commission from Tim Thompson, Director, Community Development Department, relative to the salt mitigation presentation that will be provided by Emery & Garrett Groundwater Investigations at Thursday's Town Council meeting. Commissioner Rosati stated her intent to attend.

Councilor Albert commented the presentation is being provided due to the concern for the amount of salt used on the roadways impacting groundwater. There are some roads in Town that are designated "no salt" "sand only" areas. He believes representatives of the Merrimack Village District will participate in the presentation.

Commissioner Boisvert questioned if higher than anticipated levels of salt have been found in the wells. Councilor Albert was uncertain of that. He commented on the factors that have to be considered such as the highway and the number of roadways within Town that are maintained by the State. The State would have to be on board with practices put in place.

Commissioner Tenhave spoke of the email received from the New Hampshire Association of Conservation Commissions looking to the Commission, as a whole, to complete a survey. Another request was for updated contact information. Commissioner Rosati will provide that. Members of the Commission were provided with a copy of the survey to review. It will be placed on the agenda for the March meeting.

2. Sub-Committee Updates

Horse Hill Nature Preserve

An agenda item at the February 3rd meeting was "Watanic Bowmen future plans and upgrades". Three members of the club were in attendance. Discussed was the November 3rd fire. There is a strong feeling from the Fire Marshall and members of the club, that it was arson. A neighbor noticed and called in the fire. It is believed the investigation has concluded.

The club is looking to begin work rebuilding the clubhouse, and has requested a discussion take place regarding the possibility of providing electricity to the parking lot so that it could be lit. Commissioner Perry commented on it being their property, and questioned why they would be making an inquiry to the sub-committee. Chair Caron made them aware that the issue could be discussed at the sub-committee level, but if a decision is sought, it would have to go before the Commission.

The Sub-committee voted to look into the installation of posts and signage in the parking area. Prior signage designated some 10[±] spots as parking for the HHNP. The feeling is more people parked in that area when the signage was up. There is the desire for parking to be funneled to that area and for it to be lit. Commissioner Tenhave noted the Commission has a written agreement with the club, which should be reviewed. Chair Caron noted the plexiglass on the kiosk needs to be replaced.

The minutes of that meeting include a listing of the six proposed dates for 3D shoots (archery) for this season.

Reviewed during the meeting was the Conservation Commission's Charge to the Sub-committee. One of the members read it aloud to spark some motivation to move forward with certain items. That rolled into a to do list for the property and the identification of 3-4 bridges that will be worked on during the winter, e.g., measuring, creating list of materials needed, etc.

The Sub-committee questioned if there would be a change to the issue of hunting in the HHNP. He suggested they review Chapter 111, when revised; however, noted it currently covers the HHNP and there are no restrictions on hunting, beyond State requirements.

The Sub-committee considered naming and cataloguing of the bridges.

Councilor Albert questioned how the cost of materials is addressed, and was informed the HHNP has its own fund. When needed, the Commission can supplement the fund. The Sub-committee has access to a stockpile of lumber. Chair Caron stated his belief, permission to utilize monies from the HHNP fund will be sought for repairs to the bridge on the Loop Trail (purchase pressure-treated wood).

Grater Woods

Chair Caron noted the Sub-committee has not met. The next meeting is scheduled for two months out.

Wildcat Falls

Commissioner Rosati noted the Moonlight Snowshoe Walk did not take place because of icy conditions. The event has been tentatively rescheduled for March 9th.

The next meeting of the Sub-committee is scheduled for Tuesday, April 14th at 6:30 p.m. in the Memorial Conference Room.

Asked about the status of the request for additional maps, Commissioner Perry stated he has received a quote for a number of items, and will be reaching out to the vendor to discuss individual pieces. Given the need for additional maps for Grater Woods and the HHNP as well, a roll will be done for each of the properties.

Commissioner Tenhave spoke of an individual who has expressed interest in serving as an alternate member of the HHNP (2 open alternate positions). The individual will be invited to attend an upcoming meeting of the Commission.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [January 27, 2020](#)
Members of the Commission Absent: Cynthia Glenn

The following amendments were offered:

- Page 3, Line 18; replace “echo” with “eco”
- Throughout; replace “Macfadzen” with “MacFadzen”
- Page 4, Line 37; replace “Vice Chair Perkins” with “Councilor Albert”

**MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED
MOTION SECONDED BY COMMISSIONER BOISVERT
MOTION CARRIED**

6-0-1

Commissioner Glenn Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Councilor Albert noted the Town Council would be working to finalize the proposed FY21 budget at its February 13th meeting.

Also on the agenda is a public hearing to receive input on a Group Petition received, pursuant to Charter Article 10-1, B. The petition is to petition the Merrimack Town Council to include a Warrant Article at the 2020 Annual Town Meeting to adopt a New Hampshire Resolution to Take Action on Climate Pollution.

Councilor Albert questioned the will of the Commission relative to establishing procedures for requests such as the one brought earlier this evening, e.g., are there different requirements when the number of participants reaches an identified threshold.

Chair Caron commented on the races he has been involved with. The one that runs from Milford to Brookline is a 24-hour off-road ultra-marathon. There are sometimes upwards of 200 participants. It is an event complete with a race promoter, staff, water tables, portable toilets along the route, insurance coverage, etc. Something along those lines on one of our properties would have to first obtain Commission and Council approval.

Asked if there is an assembly permit, Councilor Albert remarked what is required is approval from fire, police, and the Town. Proof of liability insurance is required. He suggested the Commission consider what procedures should be in place to address such a request. Commissioner Tenhave remarked the only guidance the Commission has received in the past relative to an organized/sponsored event was the requirement for proof of insurance. He agreed it would be beneficial to receive guidance from the Town as to how such requests/events should be handled. Councilor Albert commented on there being both for-profit

and not-for-profit events. Chair Caron suggested the precedent has been set by the Snowshoe race, which was for-profit, but the profit was donated to the HHNP. That is why the HHNP has its own budget. They had to provide proof of insurance, a point of contact, etc.

Chair Caron stated his appreciation of the group of friends coming before the Commission to discuss their event.

Commissioner Perry spoke of a mountain bike group that has used the trails for group activities and returned to do trail cleanup/maintenance afterwards.

Commissioner Rosati spoke of prior discussion of the potential for a historic marker at the Sklar Waterfront Park. She has reached out to Anita Creager, Historical Society, and is awaiting a response.

At the last meeting, Commissioner Starr questioned the will of the Commission relative to discussion of an internship type arrangement where the Commission would work with high school students, e.g., conducting ecological surveys and in the process teaching the students how to conduct scientific work relative to the properties. He reached out to his professor who does something similar. He has not heard back from him relative to specifics. He expects to have information to share at the next meeting.

Commissioner Tenhave stated his belief the proposed amendments to Chapter 111 are nearly ready for presentation to the Town Council (input from Town staff received). Once the discussion with Town Council has taken place, the process of having language written up by legal can move forward. Given his work commitments, he is uncertain he would be able to have the item on a Town Council agenda until the April timeframe.

ADJOURNMENT

MOTION BY COMMISSIONER GLENN TO ADJOURN

MOTION SECONDED BY COMMISSIONER PERRY

MOTION CARRIED

7-0-0

The February 10, 2020 meeting of the Merrimack Conservation Commission was adjourned at 7:50 p.m.

Submitted by Dawn MacMillan