Cindy Robertson called the meeting to order at 4:30pm.

Present: Cindy Robertson-Chair, David Ross-Vice Chair, JoCarol Woodburn-Member, Phil Fitanides-Member, Deborah Miville-Member (arrived at 4:34pm), Robert Better-Alternate, David Hess-Alternate, William Herlicka-Alternate,

Not Present: John Pieroni-Alternate, Avery Comai-Town Council Representative

Staff: Leann Fuller, Administrative Assistant

Pledge of Allegiance was recited by those present.

NON-PUBLIC SESSION RSA 91-A:3 II

Cindy Robertson motioned to enter the non-public session at 4:32pm, seconded by Phil Fitanides. Motion passed.

Roll Call #1
Avery Comai: Absent
Deborah Miville: Yes
David Ross: Yes
Cindy Robertson: Yes
Phil Fitanides: Yes
JoCarol Woodburn: Yes
Robert Better: Yes

Non-Public Session NH RSA 91-A:3, II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.

NH RSA 91-A:3, II (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

David Ross motioned to exit the Non-Public session at 4:55pm, seconded by Cindy Robertson. Motion passed.

Cindy Robertson motioned to seal the Non-Public minutes, seconded by David Ross. Motion passed.
Roll Call #2
JoCarol Woodburn: Yes
Cindy Robertson: Yes
Deborah Miville: Yes
Avery Comai: Absent
David Ross: Yes
Phil Fitanides: Yes

I. Consent Agenda
   i. Wetlands Permit Application Request for more Information #2019-03667

JoCarol Woodburn motioned to approve the Consent agenda, seconded by David Ross. Motion passed.

II. Meeting Minutes Approvals
   - January 13, 2020

David Ross motioned to approve the meeting minutes from January 13, 2020 as amended, seconded by Phil Fitanides.

   1. Page 3, line 99: “Phil Fitanides asked about how they may get the information out to personnel like the Fire Department...Chip stated that for the last 39 years they send letters to the Chief of Police...”
   2. Page 3, line 121: conservation should say conversation.

III. Appointments
   i. Nancy Smith, 111 Merrimack Street
      Abutter to conservation land

Cindy Robertson began the conversation stating that the Commission is aware there have been issues with the public going on Ms. Smith’s private dock.

Nancy Smith, 111 Merrimack Street brought the Conservation Commission up to speed. The easement across Ms. Smith’s property is for constructing and maintaining the trail and the public has the right to use the trail. Ms. Smith previously sent photos from last summer illustrating the public being on her private property. The easement is non-exclusive which means that Ms. Smith can still use with the easement area, but she can’t build anything on it. Ms. Smith states that the easement clearly states the public are not to travel to the riverbank. She does maintain her section of the property including mowing and pruning the trees to maintain a view. The majority of the public is respectful. Ms. Smith’s question to the Conservation Commission is what they will do to enforce the terms of the easement.

Cindy Robertson stated that as a Commission, they don’t have enforcement authority, the Conservation Commission is an advisory board. The property has a Conservation boundary marker, and Ms. Smith has posted private property signs. The Conservation Commission is also working on getting additional signs made that will politely inform people to stay off private property. Other than that, Cindy is unsure if there is anything else that the Conservation Commission is legally required to do to ensure the public stays off Ms. Smith’s property. When Cindy received Ms. Smith’s email, it was taken seriously, and Dave Hess reached out to the Town’s Attorney for a legal opinion. Essentially, the easement does not note that the Conservation...
Commission is liable and there is no legal obligation to make sure people are not outside of the easement area. There is a sign posted. Cindy also mentioned that mowing the area may be more of a welcome for people to use the property.

Nancy Smith stated that she shouldn’t have to not take care of her property for that reason. Not everyone stops at the kiosk to look at the signs and maps. Ms. Smith recommends putting signs at the beginning of the trail and at eye level as the conservation boundary sign is about 7 feet tall. Ms. Smith supplied pictures of a ski trail in Jackson that is large, legible and easily viewed. Ms. Smith also recommended getting the map corrected at the kiosk as it does not show the first 180’ of the trail is technically private property.

Cindy Robertson thanked Ms. Smith for her recommendation and the Conservation Commission will certainly investigate them.

Nancy Smith heard what Cindy said about people trespassing is not the Conservation Commission’s responsibility. Ms. Smith respectfully disagrees with that statement. Ms. Smith recommended that the town should consider mowing their part of the riverfront, so it is usable for the public to go to the riverfront. That may direct people to town property instead of private property.

David Hess spoke that the towns position is that the town is not liable, and the Conservation Commission does not have enforcement powers to take steps to prevent people from leaving the easement. According to the towns lawyer, there is municipal immunity. If the easement were to say “the town guarantees or “the town shall ensure” that would be a stronger argument, it does not say that. In addition, there is no remedy in the easement for trespassing. David does equate it to a city sidewalk and if a member of the public walks off the sidewalk, there is no liability for that municipality. That person chose to voluntarily engage in that behavior. David stated he does not want to be argumentative, but the Conservation Commission does not accept the contention that the town is liable and has the power or responsibility of enforcement.

Nancy Smith heard what Dave said and does not necessarily agree with it. The easement does not have the language, but Ms. Smith has an Indemnification and Hold Harmless Agreement. Ms. Smith will send that to Leann and Cindy.

Cindy Robertson thanked Ms. Smith for coming and providing suggestions. The Conservation Commission does encourage Ms. Smith to contact the police if she continues to encounter the public trespassing on her property. Leann will send an e-mail to Captain Robie giving him a heads up on the situation.

David Hess mentioned that the map is incorrect and that should be corrected.

IV. Other business: Projects, Invoices, Etc.

i. Vote on cost, size and quantity for the Merrimack Riverwalk Trail Entrance Signs (Additional signs for other trails?)

David Ross made a motion to utilize aluminum for the signs, seconded by Deb Miville. Motion passed.

David Ross made a motion to purchase 18x24 signs, seconded by JoCarol Woodburn. Motion passed.

David Ross made a motion to use green lettering on white signs, seconded by JoCarol Woodburn. Motion passed.
Deborah Miville reminded the Conservation Commission that the Parks and Recreation department would like some signage on Quimby Mountain. David Ross mentioned that is more of a case for medallions.

**Cindy Robertson made a motion to have one set of signs created, seconded by JoCarol Woodburn.**

David Ross prefers two sets, one at the bridge and then another set further up to create a more defined walkway, so people are less likely to go off the trail.

**Cindy Robertson amended her motion to two sets of signs, 4 signs total, with a cost not to exceed $150.00, seconded by Phil Fitanides. Motion passed.**

**ii. SCA Projects for Summer 2020**

Cindy Robertson spoke about the previous SCA project on Clay Pond. It worked out well. Katrina would like to know if the Conservation Commission was interested in doing that again. The projects that they would be able to do are as follows (in no order):

1. Merrimack Riverfront Trail-along the river or a more intense loop
2. Quimby Mountain-create a trail to the top or make improvements to the current trail.
3. Pinnacle- construct a new trail, install new signs.

Steve Couture, Bear-Paw Conservation Consultant, specified that the town invested a good amount in the Pinnacle including coming up with a plan that hasn’t been acted on. There has been no work done on the Quimby Mountain property. There are crossings that could be built as it is a wet area. Quimby Mountain does offer a great view at the top.

David Ross mentioned that the Pinnacle is a more prominent trail. There is already a parking area and a kiosk, it is also historically more famous than Quimby Mountain.

Cindy Robertson reiterated that Parks and Recreation has made a request for signage and activity. Deb Miville was able to find the trail but there were no signs. Cindy Robertson asked Steve if there was any parking at Quimby. Steve said there is only parking on the shoulder of the road. There is the opportunity within the interior of the property but with the wetland impacts, it may be more reasonable to expand the shoulder, which may still require going through the permitting process.

William Herlicka did not know about Quimby Mountain until today. He thinks that the focus should be on finishing other projects such as the Pinnacle first. Then put together a real plan and vision for Quimby Mountain.

There is already a plan in place created by Bear-Paw to connect the lop on the Pinnacle. Steve Couture will discuss the project with Katrina to see if the Pinnacle will keep the SCA occupied for 10 days.

David Hess asked how much of the Clay Pond trail they worked on last time. He did not see a deliverable in the contract. The contract also states the price is up to $10,500, it is not a fixed cost.
Cindy Robertson stated there will be a new contract and the Conservation Commission can review it and make sure there will be details included.

Steve Couture clarified that the last contract was done during staff transitions with both organizations. There was less detail and concept. It was a good project in the end, but it was not communicated in the correct format.

**Cindy Robertson made a motion to propose the loop around the southside of pinnacle as a priority for a SCA project, then ask them to work on the Merrimack property, assuming they are available and interested, and go into detail what that language will look like and get council approval, seconded by Deb Miville. Motion passed.**

iii. Moosewood Ecological, LLC invoice for $2,680 (University Heights/Town Pond/Carriage Manor Stewardship Plan)

Steve Couture filled in the Conservation Commission with the timeline of the Stewardship Moosewood Ecological, LLC plans on getting a draft to the Conservation Commission by April and go to the School Board in April. Then after that, have a public meeting (abutters will be notified and will be advertised in the Union Leader) and then go to Town Council.

**Cindy Robertson made a motion to approve payment of the invoice from Moosewood Ecological LLC, in the amount of $2,680, seconded by David Ross.**

David Ross was looking for more information on the invoice. It is not very detailed like the Bear-Paw invoices seem to be. Cindy Robertson clarified that all the information will be part of the plan they present.

**Motion passed.**

iv. Stantec invoice for $1,998.50

**Cindy Robertson made a motion to approve payment to Stantec in the amount of $1,998.50, seconded by David Ross. Motion approved.**

v. Vote on Bennett Nelson’s Eagle Scout project to build a temporary bridge on the Merrimack Riverwalk Trail

**Cindy Robertson made a motion to approve Bennett Nelson to build a temporary bridge on the Merrimack Riverwalk Trail as his Eagle Scout project, seconded by JoCarol Woodburn. Motion passed.**

vi. Vote to purchase additional Knox locks for Town owned gates connecting to Manchester Sand and Gravel property

**David Ross made a motion to purchase 2 Knox locks for Town owned gates where the property connects to Manchester Sand and Gravel property with a cost not to exceed $300.00, seconded by Cindy Robertson. Motion approved.**
vii. CIP Requests (Due April 2\textsuperscript{nd})

This will be reviewed more in depth at the March Conservation Commission meeting.

viii. Approval of expenditure for Stantec to revise Phase III or Riverwalk Trail Plan

Cindy Robertson reviewed why this is coming up. There was a request to see if Phase III, the remainder of the loop, could be moved closer to the tree line so it doesn’t break up the fields. Steve got in touch with Dan Tatem. In order to redraft that section of the plan, there is a fee. If the intent is to move the trail up, then payment must be approved to do that work. Steve Couture mentioned the fee includes meeting with the Society for the Protection of New Hampshire Forests, which will be done first.

William Herlicka asked what the field will be used for. Steve Couture approached Chris LaValley about planting crops. Prior to that he met with Merrimack County Conservation District to talk about options for the fields. Currently, there is no agricultural use other than on the northern most loop being used for corn for feed, not human consumption. Steve Couture and David Hess met with Chris LaValley and there are options for the fields. The fields do need to be cleared and cut. Soil testing may need to be done but pumpkins and squash can be planted there. The Conservation Commission will have to complete an Agricultural Plan as it is part of the easement language. The NRCS (Nation Resource Conservation Service) has standard plans for Agricultural use, it is basically a best management practice. Steve Couture stated that one of the reasons this property is protected is because it has prime agricultural soils. JoCarol Woodburn clarified that it has been advertised that it is the last remaining farmland in Hooksett. The lack of access was not though about previously as Mr. Pritchard had an agreement with the landowner on the Allenstown side. The Conservation Commission recommended Steve continue his discussions with Mr. LaValley.

\textbf{Cindy Robertson made a motion to approve the expenditure not to exceed \$2,799.00 to redesign a portion of the Phase III trail layout, if it is feasible, paid through the Capital Reserve fund pending the Town administrator’s approval, seconded by Deb Miville. Motion approved.}

ix. Bear-Paw Invoice $1,262.45

\textbf{Cindy Robertson made a motion to approve payment of \$1,262.45 to Bear-Paw for January services, seconded by David Ross. Motion passed.}

\textbf{Cindy Robertson motioned to adjourn, seconded by David Ross. Meeting adjourned at 6:25pm.}

\textit{Minutes respectively submitted by}

\textbf{Leann Fuller}

\textbf{Administrative Assistant}

\textbf{Please see subsequent meeting minutes for any amendments to these minutes.}