

**HOOKSETT CONSERVATION COMMISSION**  
**Monday, February 10, 2020**  
**Hooksett Municipal Building**  
**Town Council Chambers**

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.***

45 **Roll Call #2**

46 ***JoCarol Woodburn: Yes***

47 ***Cindy Robertson: Yes***

48 ***Deborah Miville: Yes***

49 ***Avery Comai: Absent***

50 ***David Ross: Yes***

51 ***Phil Fitanides: Yes***

52  
53 **I. Consent Agenda**

- 54 i. Wetlands Permit Application Request for more Information #2019-03667

55  
56 ***JoCarol Woodburn motioned to approve the Consent agenda, seconded by David Ross. Motion passed.***

57  
58 **II. Meeting Minutes Approvals**

59 - January 13, 2020

60  
61 ***David Ross motioned to approve the meeting minutes from January 13, 2020 as amended, seconded by Phil***  
62 ***Fitanides.***

- 63  
64 1. Page 3, line 99: "Phil Fitanides asked about how they may get the information  
65 out to personnel like the Fire Department...Chip stated that for the last 39 years  
66 they send letters to the Chief of Police..."  
67 2. Page 3, line 121: conservation should say conversation.

68  
69 **III. Appointments**

- 70 i. Nancy Smith, 111 Merrimack Street  
71 Abutter to conservation land

72  
73 Cindy Robertson began the conversation stating that the Commission is aware there have been issues with the  
74 public going on Ms. Smith's private dock.

75  
76 Nancy Smith, 111 Merrimack Street brought the Conservation Commission up to speed. The easement across  
77 Ms. Smith's property is for constructing and maintaining the trail and the public has the right to use the trail.  
78 Ms. Smith previously sent photos from last summer illustrating the public being on her private property. The  
79 easement is non-exclusive which means that Ms. Smith can still use with the easement area, but she can't  
80 build anything on it. Ms. Smith states that the easement clearly states the public are not to travel to the  
81 riverbank. She does maintain her section of the property including mowing and pruning the trees to maintain  
82 a view. The majority of the public is respectful. Ms. Smith's question to the Conservation Commission is what  
83 they will do to enforce the terms of the easement.

84  
85 Cindy Robertson stated that as a Commission, they don't have enforcement authority, the Conservation  
86 Commission is an advisory board. The property has a Conservation boundary marker, and Ms. Smith has  
87 posted private property signs. The Conservation Commission is also working on getting additional signs made  
88 that will politely inform people to stay off private property. Other than that, Cindy is unsure if there is  
89 anything else that the Conservation Commission is legally required to do to ensure the public stays off Ms.  
90 Smith's property. When Cindy received Ms. Smith's email, it was taken seriously, and Dave Hess reached out  
91 to the Town's Attorney for a legal opinion. Essentially, the easement does not note that the Conservation

92 Commission is liable and there is no legal obligation to make sure people are not outside of the easement  
93 area. There is a sign posted. Cindy also mentioned that mowing the area may be more of a welcome for  
94 people to use the property.  
95

96 Nancy Smith stated that she shouldn't have to not take care of her property for that reason. Not everyone  
97 stops at the kiosk to look at the signs and maps. Ms. Smith recommends putting signs at the beginning of the  
98 trail and at eye level as the conservation boundary sign is about 7 feet tall. Ms. Smith supplied pictures of a ski  
99 trail in Jackson that is large, legible and easily viewed. Ms. Smith also recommended getting the map corrected  
100 at the kiosk as it does not show the first 180' of the trail is technically private property.  
101

102 Cindy Robertson thanked Ms. Smith for her recommendation and the Conservation Commission will certainly  
103 investigate them.  
104

105 Nancy Smith heard what Cindy said about people trespassing is not the Conservation Commission's  
106 responsibility. Ms. Smith respectfully disagrees with that statement. Ms. Smith recommended that the town  
107 should consider mowing their part of the riverfront, so it is usable for the public to go to the riverfront. That  
108 may direct people to town property instead of private property.  
109

110 David Hess spoke that the towns position is that the town is not liable, and the Conservation Commission does  
111 not have enforcement powers to take steps to prevent people from leaving the easement. According to the  
112 towns lawyer, there is municipal immunity. If the easement were to say "the town guarantees or "the town  
113 shall ensure" that would be a stronger argument, it does not say that. In addition, there is no remedy in the  
114 easement for trespassing. David does equate it to a city sidewalk and if a member of the public walks off the  
115 sidewalk, there is no liability for that municipality. That person chose to voluntarily engage in that behavior.  
116 David stated he does not want to be argumentative, but the Conservation Commission does not accept the  
117 contention that the town is liable and has the power or responsibility of enforcement.  
118

119 Nancy Smith heard what Dave said and does not necessarily agree with it. The easement does not have the  
120 language, but Ms. Smith has an Indemnification and Hold Harmless Agreement. Ms. Smith will send that to  
121 Leann and Cindy.  
122

123 Cindy Robertson thanked Ms. Smith for coming and providing suggestions. The Conservation Commission does  
124 encourage Ms. Smith to contact the police if she continues to encounter the public trespassing on her  
125 property. Leann will send an e-mail to Captain Robie giving him a heads up on the situation.  
126

127 David Hess mentioned that the map is incorrect and that should be corrected.  
128

#### 129 **IV. Other business: Projects, Invoices, Etc.**

- 130 i. Vote on cost, size and quantity for the Merrimack Riverwalk Trail Entrance Signs (Additional  
131 signs for other trails?)  
132

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

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

135 ***David Ross made a motion to use green lettering on white signs, seconded by JoCarol Woodburn. Motion***  
136 ***passed.***  
137  
138

139 Deborah Miville reminded the Conservation Commission that the Parks and Recreation department would like  
140 some signage on Quimby Mountain. David Ross mentioned that is more of a case for medallions.

141  
142 ***Cindy Robertson made a motion to have one set of signs created, seconded by JoCarol Woodburn.***

143  
144 David Ross prefers two sets, one at the bridge and then another set further up to create a more defined  
145 walkway, so people are less likely to go off the trail.

146  
147 ***Cindy Robertson amended her motion to two sets of signs, 4 signs total, with a cost not to exceed \$150.00,***  
148 ***seconded by Phil Fitanides. Motion passed.***

149  
150 ii. SCA Projects for Summer 2020

151  
152 Cindy Robertson spoke about the previous SCA project on Clay Pond. It worked out well. Katrina would like to  
153 know if the Conservation Commission was interested in doing that again. The projects that they would be able  
154 to do are as follows (in no order):

- 155 1. Merrimack Riverfront Trail-along the river or a more intense loop
- 156 2. Quimby Mountain-create a trail to the top or make improvements to the current  
157 trail.
- 158 3. Pinnacle- construct a new trail, install new signs.
- 159 4. Clay Pond -repair work.

160  
161 Steve Couture, Bear-Paw Conservation Consultant, specified that the town invested a good amount in the  
162 Pinnacle including coming up with a plan that hasn't been acted on. There has been no work done on the  
163 Quimby Mountain property. There are crossings that could be built as it is a wet area. Quimby Mountain does  
164 offer a great view at the top.

165  
166 David Ross mentioned that the Pinnacle is a more prominent trail. There is already a parking area and a kiosk,  
167 it is also historically more famous than Quimby Mountain.

168  
169 Cindy Robertson reiterated that Parks and Recreation has made a request for signage and activity. Deb Miville  
170 was able to find the trail but there were no signs. Cindy Robertson asked Steve if there was any parking at  
171 Quimby. Steve said there is only parking on the shoulder of the road. There is the opportunity within the  
172 interior of the property but with the wetland impacts, it may be more reasonable to expand the shoulder,  
173 which may still require going through the permitting process.

174  
175 William Herlicka did not know about Quimby Mountain until today. He thinks that the focus should be on  
176 finishing other projects such as the Pinnacle first. Then put together a real plan and vision for Quimby  
177 Mountain.

178  
179 There is already a plan in place created by Bear-Paw to connect the lop on the Pinnacle. Steve Couture will  
180 discuss the project with Katrina to see if the Pinnacle will keep the SCA occupied for 10 days.

181  
182 David Hess asked how much of the Clay Pond trail they worked on last time. He did not see a deliverable in the  
183 contract. The contract also states the price is up to \$10,500, it is not a fixed cost.

185 Cindy Robertson stated there will be a new contract and the Conservation Commission can review it and make  
186 sure there will be details included.

187  
188 Steve Couture clarified that the last contract was done during staff transitions with both organizations. There  
189 was less detail and concept. It was a good project in the end, but it was not communicated in the correct  
190 format.

191  
192 ***Cindy Robertson made a motion to propose the loop around the southside of pinnacle as a priority for a SCA***  
193 ***project, then ask them to work on the Merrimack property, assuming they are available and interested, and***  
194 ***go into detail what that language will look like and get council approval, seconded by Deb Miville. Motion***  
195 ***passed.***

- 196  
197 iii. Moosewood Ecological, LLC invoice for \$2,680 (University Heights/Town Pond/Carriage Manor  
198 Stewardship Plan)

199  
200 Steve Couture filled in the Conservation Commission with the timeline of the Stewardship Moosewood  
201 Ecological, LLC plans on getting a draft to the Conservation Commission by April and go to the School Board in  
202 April. Then after that, have a public meeting (abutters will be notified and will be advertised in the Union  
203 Leader) and then go to Town Council.

204  
205 ***Cindy Robertson made a motion to approve payment of the invoice from Moosewood Ecological LLC, in the***  
206 ***amount of \$2,680, seconded by David Ross.***

207  
208 David Ross was looking for more information on the invoice. It is not very detailed like the Bear-Paw invoices  
209 seem to be. Cindy Robertson clarified that all the information will be part of the plan they present.

210  
211 ***Motion passed.***

- 212  
213 iv. Stantec invoice for \$1,998.50

214  
215 ***Cindy Robertson made a motion to approve payment to Stantec in the amount of \$1,998.50, seconded by***  
216 ***David Ross. Motion approved.***

- 217  
218 v. Vote on Bennett Nelson's Eagle Scout project to build a temporary bridge on the Merrimack  
219 Riverwalk Trail

220  
221 ***Cindy Robertson made a motion to approve Bennett Nelson to build a temporary bridge on the Merrimack***  
222 ***Riverwalk Trail as his Eagle Scout project, seconded by JoCarol Woodburn. Motion passed.***

- 223  
224 vi. Vote to purchase additional Knox locks for Town owned gates connecting to Manchester Sand  
225 and Gravel property

226  
227 ***David Ross made a motion to purchase 2 Knox locks for Town owned gates where the property connects to***  
228 ***Manchester Sand and Gravel property with a cost not to exceed \$300.00, seconded by Cindy Robertson.***  
229 ***Motion approved.***

- 232  
233 vii. CIP Requests (Due April 2<sup>nd</sup>)  
234

235 This will be reviewed more in depth at the March Conservation Commission meeting.  
236

- 237 viii. Approval of expenditure for Stantec to revise Phase III or Riverwalk Trail Plan  
238

239 Cindy Robertson reviewed why this is coming up. There was a request to see if Phase III, the remainder of the  
240 loop, could be moved closer to the tree line so it doesn't break up the fields. Steve got in touch with Dan  
241 Tatem. In order to redraft that section of the plan, there is a fee. If the intent is to move the trail up, then  
242 payment must be approved to do that work. Steve Couture mentioned the fee includes meeting with the  
243 Society for the Protection of New Hampshire Forests, which will be done first.  
244

245 William Herlicka asked what the field will be used for. Steve Couture approached Chris LaValley about planting  
246 crops. Prior to that he met with Merrimack County Conservation District to talk about options for the fields.  
247 Currently, there is no agricultural use other than on the northern most loop being used for corn for feed, not  
248 human consumption. Steve Couture and David Hess met with Chris LaValley and there are options for the  
249 fields. The fields do need to be cleared and cut. Soil testing may need to be done but pumpkins and squash  
250 can be planted there. The Conservation Commission will have to complete an Agricultural Plan as it is part of  
251 the easement language. The NRCS (Nation Resource Conservation Service) has standard plans for Agricultural  
252 use, it is basically a best management practice. Steve Couture stated that one of the reasons this property is  
253 protected is because it has prime agricultural soils. JoCarol Woodburn clarified that it has been advertised that  
254 it is the last remaining farmland in Hooksett. The lack of access was not though about previously as Mr.  
255 Pritchard had an agreement with the landowner on the Allenstown side. The Conservation Commission  
256 recommended Steve continue his discussions with Mr. LaValley.  
257

258 ***Cindy Robertson made a motion to approve the expenditure not to exceed \$2,799.00 to redesign a portion of***  
259 ***the Phase III trail layout, if it is feasible, paid through the Capital Reserve fund pending the Town***  
260 ***administrator's approval, seconded by Deb Miville. Motion approved.***  
261

- 262 ix. Bear-Paw Invoice \$1,262.45  
263

264 ***Cindy Robertson made a motion to approve payment of \$1,262.45 to Bear-Paw for January services,***  
265 ***seconded by David Ross. Motion passed.***  
266

267 ***Cindy Robertson motioned to adjourn, seconded by David Ross. Meeting adjourned at 6:25pm.***  
268

269 ***Minutes respectively submitted by***  
270

271  
272 ***Leann Fuller***  
273 ***Administrative Assistant***  
274

275 

<b>Please see subsequent meeting minutes for any amendments to these minutes.</b>
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