



# Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

AUGUST 19, 2019

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, August 19, 2019 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  
Tim Tenhave, Alternate Member

Members of the Commission Absent: Michael Boisvert  
Councilor Peter Albert  
Michael Swisher, Alternate member

Also in Attendance: William Davidson, V.P., Hoyle, Tanner & Assoc., Inc.  
Mark Verostick, Sr. Proj. Eng., Vanasse Hangen Brustlin, Inc.

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*Chair Caron designated Eric Starr to sit for Michael Boisvert.*

**PUBLIC COMMENT** - None

**PUBLIC HEARINGS** - None

**APPOINTMENTS** – None

### **STATUTORY/ADVISORY BUSINESS**

1. **Hoyle, Tanner & Associates, Inc. (applicant) and OVP Management, Inc. (owner)** – Review for recommendation to the Planning Board for a site plan to construct 40 multi-family residential units. The parcel is located at 360 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing and Planned Residential Development Overlay Districts. Tax Map 4D-3, Lot 001.

William Davidson, Vice President, Hoyle, Tanner & Assoc., Inc., spoke of being before the Commission last year when doing the redevelopment of the former Shaws plaza.

This portion of the project is located behind the retail (on hill). Proposed is a three-story apartment complex (40 units). The driveway will be off the back of the parking going up along to the proposed

three-story apartment building (with a parking lot).

A stormwater chamber system is located in the parking lot and another down below at the entrance of the driveway to the apartment building.

Mr. Davidson noted the plans will be amended to include the Commission's standard language relative to fertilizer and salt use; no phosphorous slow release nitrogen/Green SnowPro Certified applicator. The grade up the hill is fairly steep. There is some ditch and drainage work taking place; add the drainage to the lower portion on the southern portion of the parking lot by the driveway entrance. The upper portion captures the parking lot and then comes through a closed drainage system down to the lower stormwater chamber system. Both chamber systems have overflow systems and then go out through the existing 24" Reinforced Concrete Pipe (RCP) that goes out to D.W. Highway. The project is located within the Aquifer Conservation District.

Mr. Davidson noted the submission of an Alteration of Terrain (AoT) permit to NHDES. They review all of the stormwater calculations, erosion control measures, etc. The application has been submitted. NHDES typically has about 75 days to review that.

With regard to treatment for the stormwater chamber systems; all catch basins are offline; they all feed into a main drain line. There are 4' sumps that catch any sediment/debris in the catch basins and then they go to a drain manhole. Previous practice was for the main flow to travel through the catch basin. If the catch basin wasn't maintained or there was a lot of sediment load, every time that main flow would come by it would stir up the sediment and carry it downstream. Now, they utilize deep sumps that are offline so that there is a better chance of catching that so that when the main flow goes in, the sediment is already trapped out of it. That is considered pre-treatment with AoT.

The main flow goes into the stormwater chamber system. The stormwater chamber system has an isolator row, which takes the first flush. It has fabric around it so that if there is any sediment/debris and it builds up, opening of the observation ports allows for viewing and determination of whether cleaning is required. That is in the first row of the chamber system. It doesn't flow out into the rest of the chamber.

Asked if consideration has been given to steps down to the plaza, Mr. Davidson stated his belief there would not be. He spoke of the current grade (10%), the road standards (8%) and the Fire Department's desire for the grade to be lessened. They will be reducing the grade of the driveway to 8%. There will be a sidewalk that comes down along the driveway to get pedestrians back to the shopping center. They're assuming most who reside there would likely utilize their vehicle to get to the center.

Asked if consideration is being given to connecting to Columbia Circle, Mr. Davidson stated they have looked into it. There is one spot just below the location of the cell tower that would work (for emergency vehicles). They have been unable to contact the property owner.

Asked about the gutter system, Mr. Davidson stated the assumption that goes into the closed drainage system. It goes into the infiltration chambers as well. Snow storage is called out on the plans.

Asked about maintenance for the infiltration basin located under the parking lot, Mr. Davidson pointed out Sheet C18, which addresses the inspection ports. There is also detail on Sheet 12 that shows the layout with the isolator. Asked if the parking lot pad located behind the building would be pitched to center, Mr. Davidson stated that to be noted on Sheet C7. Most of the interior of the upper parking lot

drains to the chamber system.

Asked if soil testing is conducted prior to fertilizer use, Mr. Davidson indicated they have not called that out in the plans. Commissioner Perry commented, if testing the soil, there could be a financial gain should fertilizer not be needed. Mr. Davidson stated a note could be added.

Commissioner Starr questioned #4 under the landscape notes, which indicates the landscape contractor shall guarantee all plant materials for one year from date of acceptance. Mr. Davidson stated the date of acceptance would be when the landscaping is completed.

**2. Merrimack Parcel A, LLC (applicant/owner)** – Review for recommendation to the Planning Board of an amendment to the previously approved mixed use site plan for Phase I of the “Merrimack Park Place” project, proposing an additional 32 multi-family residential units and removal of 84,200 square feet of office & restaurant space, specialty retail, and an event center from Phase I to be included in a subsequent phase. The parcel is located at 10 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191-02.

Mark Verostick, Civil Eng., Vanasse Hangen Brustlin, Inc., stated the project is currently before the Planning Board for a site plan amendment. The project was originally before the Commission in November of 2017 for wetland impacts associated with the round-about. NHDES Dredge & Fill Permit was received in December of 2017. As the project is within the Aquifer Conservation and Wellhead Protection Districts, it was once again before the Commission in January of 2018 for the site plan. Site plan approval was received in March of 2018.

Since that time, the LeCesse Development Group has become involved with the residential component of the project. Based on their building footprint and the development they would like to see move forward, the project was put back before the Planning Board with an amendment to the plan use development to permit 224 resident units rather than the 192 originally approved. The next step is to amend the site plan approval. The application was accepted by the Planning Board on August 6<sup>th</sup> and continued until September 3<sup>rd</sup>. An AoT permit was received in August of 2018.

No changes are proposed to the wetland impacts (1,600 sq. ft.). The round-about and the access into the site hasn't changed at all; it is the layout within the site itself that has changed.

Proposed changes allow the residential use to be constructed without any dedicated parking garage. There will be parking underneath the building (1 level). The amended site plan will include the 224-unit residential component, 120-room hotel building, and 7,600 sq. ft. restaurant.

Asked, he indicated the office space is removed from the first phase of the project. Phase II would require the project to go back before the Planning Board.

The original site plan approval was contingent upon addressing four comments from the Commission; silt socks be filled with fully composted material meeting federal standards of Class A biosolids (note added to Sheet C11), phosphate free fertilizers with slow-release nitrogen compounds (Sheet L1), non-invasive plants only in landscape design and landscape plans regularly audited against State prohibited and restricted species list (Sheet L1), and no use of salt or deicing compounds allowed on site (sand only) (Sheet C2).

Stormwater management system was designed and approved with NHDES AoT. Stormwater management system itself has not been changed. Stormwater pond is unchanged from the approved site plan (expansion of existing pond/designed to be surface/sand filter (24" surface sand filter media with 2 sediment forebays designed to capture heavy sediment load). Underdrains are designed so that as water is filtered through the sand media, it enters into the underdrains, and is discharged.

Asked if parking under the residential units is below grade, Mr. Verostick stated the way it is currently designed it is semi-below grade (1/2 story below existing grade with ground around it built up). Asked if all water within the structure would be part of the closed drainage system, he stated there are no stormwater connections to the underground. The way it is designed, the underground parking is too low to capture and discharge directly into the pond unless it were pumped. It will be a tempered space (not open to elements other than access points on either end). They don't expect much stormwater runoff. They will have to work with the architect on how to deal with any drippings from cars, etc. It may go to a holding tank that is pumped out; that detail of the building design will have to be worked out with the architect.

Asked about snow storage, he indicated they are using the landscape areas adjacent to the pavement that make sense (Sheet C3). What can't be held onsite would be trucked off. Commissioner Perry noted snow storage is depicted at the head of both north facing drives into the garage space.

Commissioner Perry noted a dumpster shown on Sheet C3, and questioned if there is any curbing or if it is graded so that any spillage would go into the drainage system. Mr. Verostick stated there is no curbing proposed around that. It would drain towards the drive. The dumpsters for the residential use are more of holding areas; they do internal trash collection and when they schedule trash pick-ups, the trash is pulled out to the holding areas.

The site was originally cleared and rough graded when the outlets were developed. It is pretty well set up for anticipation of this future development. Asked about the intent of the 4' metal fence around the filtration basin, he stated that is incorporated as a safety measure to restrict access. It can hold water up to 72 hours.

Chair Caron commented on the likelihood aquatic plants would grow quickly in that area, and questioned if there is planned maintenance. Mr. Verostick stated the bottom is stone and the sides would be mowed. Asked about the areas of the detention pond to the right of the roadway going up and the growth in there, Mr. Verostick stated that to be the area of wetland impacts that will occur for the widening for the round-about. There is a pond in there that is also considered a wetland that has natural vegetation growing within it. That was built and designed many years ago, and was not necessarily designed as a service filtration basin. It is not relying on that water to go through the soil.

Commissioner Tenhave stated the need for the area under the building to be captured and not introduced into the drainage system. Mr. Verostick commented in some regards it is really no different than surface parking outside. Commissioner Tenhave agreed.

**NEW BUSINESS** – None

**OLD BUSINESS**

## **1. Chapter 111**

Commissioner Tenhave spoke of having incorporated the discussion items as well as the determined restrictions into the spreadsheet (put into language that mimics what is in the current Chapter 111).

Next steps include Town staff input and conducting a Public Hearing (September 16<sup>th</sup>).

Commissioner Tenhave noted he reviewed the current version of RSA 215, which is the OHRV RSA to ensure he captured some of the language, e.g., trailbike. He added electrically powered bicycle (could not find an RSA). In each instance where there is authorization to get around one of the restrictions, there is referral to the Town Council (or designated agent) for approval.

## **OTHER BUSINESS**

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

Chair Caron spoke of having received an invitation to the Annual Meeting of the Society for the Protection of New Hampshire Forests, to be held on Saturday, September 28<sup>th</sup> at Gunstock in Gilford, NH.

2. Sub-Committee Updates

### **Wildcat Falls**

Commissioner Rosati stated the Sub-Committee met on the 13<sup>th</sup>. The update on the parking lot was discussed. An email was sent out. Councilor Albert forwarded it to the Public Works Department (PWD). Kyle Fox, Director, PWD responded noting there were not any paving projects this year that required milling of the roadway, which is where reclaimed asphalt is generated.

If the Commission wishes the Wildcat Falls parking lot to be done sooner, Director Fox has indicated he could obtain pricing for paving while Continental Paving is still in Town or he could inquire as to whether Continental Paving could haul millings from another project to the Wildcat Falls Conservation Area. There would be a cost for the trucking of the millings, if available.

Commissioner Perry stated a preference for reground material noting it is relatively porous. Commissioner Tenhave added it is likely not to have as much oil reserves embedded in it. The question was asked of what the cost would be to have the materials delivered and put down.

Asked about the lifespan of the material, Chair Caron commented the biggest concern at Wildcat is the apron coming off Currier Road and getting around the rocks to the actual parking area. The parking area isn't bad, it is in and out of the parking area that has a lot of potholes. Commissioner Perry remarked if you fix the apron, where the reground stops, will just do the same thing. There is still the desire to consider the size of the parking lot.

Commissioner Rosati spoke of the two options for addressing the parking lot sooner rather than later, and the timing of continued discussion of the size of the parking lot. Chair Caron stated there would be the need for public input on any proposed changes to the parking lot noting the amount of public input that was provided over the existing lot. There are some who are very dissatisfied with its existence.

Commissioner Rosati requested guidance. Chair Caron commented he drives into the parking lot a great deal, and has never been there when there were more than 3 cars. He has a truck that gets in and out easily. Although he has not seen any issues, he is not on the Sub-Committee that is onsite more frequently. Commissioner Perry commented the Commission has received emails concerning how unpleasant the parking situation is, e.g., cars on the side of the road. Commissioner Tenhave stated his opinion if there is an opportunity to correct the current situation, that should be done. Any discussion of a possible expansion of the parking lot should be discussed separately. Commissioner Rosati questioned if the will of the Commission was to ascertain whether Continental Paving has millings from another project available, and if the PWD is open to using such millings to correct the current parking lot.

*Commissioner Rosati will communicate with Director Fox to inquire as to the cost, availability, and ability to get the product both delivered and put down.*

Commissioner Rosati spoke of the wildflower seeds that were placed and the belief birds got at the seeds. Members of the Sub-Committee having existing wildflowers (same as ones planted) at their residence, will donate some to be planted in the area.

#### Grater Woods

Chair Caron stated he reached out to the members of the Sub-Committee whose terms have expired. They are all looking to be re-appointed.

**MOTION BY CHAIR CARON TO REAPPOINT, AS FULL MEMBERS, TO THE GRATER WOODS SUB-COMMITTEE, SHANNON BARNES AND STEVE DESILETS FOR TERMS TO EXPIRE JULY 31, 2020 AND STEVE MARBLE FOR A TERM TO EXPIRE JULY 31, 2022**

**MOTION SECONDED BY COMMISSIONER PERRY**

#### ON THE QUESTION

Asked about the term lengths, Chair Caron noted Shannon Barnes is the representative of the School Board (one-year term) and Steve Desilets requested a one-year term.

**MOTION CARRIED**

**7-0-0**

#### Sklar Waterfront

Chair Caron spoke of having visited the property the previous week. He noted a lot of the rocks that were placed are no longer in the original/intended location, and that there is sign of dumping taking place (interior of cars, etc.). Commissioner Perry questioned if the camera in the area is being viewed. Chair Caron remarked the last time he spoke with the officer that was in charge of it, he indicated it was not there. However, it was there last week.

Commissioner Tenhave recommended the PWD be asked to remove the material. It was also requested the footage be checked.

Chair Caron questioned the will of the Commission relative to reaching out to the contractor used for the gates to see if he could review the area and provide a quote for putting up some game over gates.



Commissioner Perry questioned how you would block access to the side of the boat ramp, e.g., Jersey barriers.

***The Community Development Director will be made aware of another act of vandalism.***

Commissioner Perry noted receipt of information relative to upcoming training/classes. The information will be forwarded to the Commission. The cost of attendance at such training sessions/classes is covered by the Commission. Members wishing to attend need only bring that desire forward.

### **PRESENTATION OF THE MINUTES**

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*The following amendments were offered:*

- Page 1, Line 36; capitalize “By-laws”
- Page 6, Line 5; insert a comma following “trees”
- Page 6, Line 22; insert a comma following “trees”
- Page 7, Line 5; delete the comma following “spreadsheet”

**MOTION BY CHAIR CARON TO ACCEPT, AS AMENDED  
MOTION SECONDED BY COMMISSIONER ROSATI  
MOTION CARRIED  
7-0-0**

**PUBLIC COMMENT** - None

### **COMMISSIONER COMMENTS**

Commissioner Glenn stated disappointment over the volume of invasive species in Town.

Commissioner Rosati commented on the amount of discussion on Facebook regarding Cyanobacteria (blue/green algae) and its toxicity to dogs.

### **ADJOURNMENT**

**MOTION BY COMMISSIONER PERRY TO ADJOURN  
MOTION SECONDED BY COMMISSIONER STARR  
MOTION CARRIED  
7-0-0**

The August 19, 2019 meeting of the Merrimack Conservation Commission was adjourned at 8:03 p.m.

Submitted by Dawn MacMillan