



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION DECEMBER 3, 2018 MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, December 3, 2018 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Chair Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chair
Michael Boisvert
Cynthia Glenn
Steven Perkins
Gina Rosati
Tim Tenhave, Alternate Member

Members of the Commission Absent: Councilor Peter Albert

Also in Attendance: Peter Stoddard, S&H Land Services
Adele Fiorillo, Normandeau Associates
Alexander Sirodi, Tighe & Bond, Inc.
John Boisvert, Pennichuck Waterworks
Bruce Peterson, Horse Hill Nature Preserve Sub-committee

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

There being no objection, the Commission went out of the regular order of business to take up Item #2.

- 2. S&H Land Services (applicant) and Loraine E. Poor Revocable Trust of 2018 (owner) –** Review for recommendation to the Planning Board for a subdivision of one lot into two lots. The parcel is located at 31 Wilson Hill Road in the R-1 (Residential) and Aquifer Conservation District. Tax Map 5B, Lot 220.

Peter Stoddard, S&H Land Services, stated the project is a two-lot sub-division; existing house lot (5 acres split equally). Plans were provided depicting the layout of the lots as well as existing structures. The lot is relatively flat (gently sloping). There are no wetlands on the lot. Test pits have been done. The project has been before the Planning Board and received conditional approval absent any major comments.

Asked to identify the location of the Aquifer Conservation District on the property, Mr. Stoddard indicated he is uncertain and had been surprised to learn the property has that designation. He assumes the entirety of the lot must fall within the overlay zone.

Mr. Stoddard noted the area where a new structure/home is likely to be placed (center of the lot). He commented it is likely to be a 250' driveway up to a house lot on a pretty level platform (septic out front/well out back). Currently it is a vacant lot. No building permit or septic design have been pulled.

Mr. Stoddard noted he is a septic designer and did the test pits that were required for the sub-division. The site has soils (Windsor loamy sand) that fall within the category of severe in accordance with the Town's zoning regulations. From the standpoint of a septic designer, it is a very decent soil, e.g., sandy, well-drained.

Mr. Stoddard remarked with regard to the property being in an Aquifer Conservation District, his opinion would be were it near wetlands or surface water there could be concern relative to fertilizer use, septic sewerage being constructed, etc. He reiterated there is no surface water or wetlands on the lot or even close to it.

Asked if he had a Wetland Scientist walk the lot, he stated the question was asked of the Town and the response was that it was unnecessary. Aerial photos were displayed.

A letter will be forwarded to the Planning Board informing the Commission has no comment.

The Commission returned to the regular order of business.

1. Adele Fiorillo, Normandeau Associates – Review of amended wetlands permit filed by Pennichuck Water Works Inc., related to installation of Water Main.

Adele Fiorillo, Normandeau Associates, stated the project has been before the Commission before. Originally, a wetlands permit application was filed for directional drilling from Merrimack to the Litchfield side to get the water main in as well as put in a new intake pipe (Merrimack side). Upon further investigation (after geotechnical work), they learned directional drilling would not work because of the substrate. A permit amendment was put forth to do a cut and cover with the trenching. That is the way the project moved forward. Once the trenching was done and the pipe installed, additional bank stabilization was needed. Once again, the desire is for cut and cover trenching for the intake pipe.

The permit is a combination of the after-the-fact, which is the additional bank stabilization and proposed additional impacts for the intake to do the cut and cover method. As they will use the same method to install the pipe (putting in a trestle to put the crane on for excavation) they have to put piles in the river, which creates an additional area of impact. It is temporary, but they need that extra area to do that work.

Ms. Fiorillo noted the impact comparison table (page 18) included with the information provided for

the agenda packet. Looking at what has been permitted and what is being proposed, the water main portion of the project has proposed temporary impacts of 1,337 sq. ft. (additional 82) and permanent impacts of 2,014 sq. ft. (additional 876) and the intake improvements a proposed temporary impact of 1,285 sq. ft. (additional 26) and permanent impacts of 2,596 sq. ft. (additional 2,592).

The reason why they are not amending the permit again is because of the State's 20% threshold on impact numbers. If you go over the 20%, you cannot amend a permit, you have to apply for the new impacts.

Chair Perry spoke of letters received regarding the project. Ms. Fiorillo stated she spoke with NHDES. When they first filed the application, they had not included the Natural Heritage Bureau (NHB) report. The NHB has changed their format; when the report was received it was marked "confidential". They spoke with them and informed them if the permit is filed, it is a public document. All of the contact information was included with the permit application, but the report was not included. When NHDES received the application they deemed it incomplete. After discussion, they communicated with the NHB. A letter was sent to NHDES from NHB providing the report and indicating the information is required to be redacted from any public document.

Alexander Sirodi, Tighe & Bond, Inc., stated the plans show a very similar alignment to the original design that was included in the first rendition of the permit. Being changed is the construction method; out into the river. Also being changed are the wet wells in the river bank and how it is connecting to the existing pump station.

Previously, there was a 24' diameter concrete wet well structure that was parallel with the existing intake station. It was found to be too close to the intake structure. After some design development they concluded they could shrink and move the structure and still stay back from the river's edge and tie into the existing intake pipes. It is a sounder design and will not impact the existing station.

Commissioner Boisvert questioned and was informed the intake location has not changed. It is in the same location, which was determined over a number of hydraulic modeling studies from Blue Hill Hydraulics out of Blue Hill, ME. Based on their determination on the multi-beam sonar image, those deep scour pits are quite stable. This location has remained the best location. They simply came up with a sounder, less risky design that they believe will cost less and be less risky for contractors.

Chair Perry noted there to be a few areas where the square footage of impact (temporary and permanent) has increased rather drastically. Asked to highlight the areas of additional impact, Mr. Sirodi referred to the plan when pointing out the areas and the work resulting in additional impact.

Commissioner Rosati asked and was informed, when the project is complete, the only thing that will remain visible from the surface will be the two wet well boxes. The intake screen will be exposed in the river, but 10' down.

Chair Perry commented the project seems pretty straightforward.

Asked about the project start date, John Boisvert, Pennichuck Waterworks, spoke of the goal to get it out to bid as soon as possible (likely January). Some of the on bank work could probably occur in early summer. They would want to wait until river flows are low. The timeframe to be in the river is generally July/August/September.

NEW BUSINESS - None

OLD BUSINESS

1. Chapter 111 Update

Following up on the offer to provide research/data collection assistance, Commissioner Rosati met with Yvette Couser, Director, Merrimack Public Library and two members of her staff. She provided them a list of 18 properties for which information is sought on Deed language/history. Commissioner Rosati has an additional 15 properties remaining to complete her research. The Library was asked to complete its work in time for the information to be compiled and provided the Commission by December 20th. Commissioner Tenhave remarked the next step would be to analyze and categorize the data.

Sklar Waterfront

Chair Perry noted, following the last clean-up day, an email was put out to the Police Chief; a game camera has been posted. Mr. Mark Twardoski participated in the effort, and has indicated a willingness to donate his equipment. If rocks are delivered, he will take care of placement behind the signs to help keep them secure. Chair Perry indicated his belief the Public Works Department is waiting for the ground to freeze so that equipment can be brought onsite with the least impact.

OTHER BUSINESS

- Sub-committee Updates

Sklar Waterfront

Commissioner Boisvert spoke of an email received from a resident interested in participating on the sub-committee. He reached out, and is awaiting a response.

Horse Hill Nature Preserve (HHNP)

Commissioner Glenn spoke of beaver activity; dropped trees around the Loop Trail. Although some clean-up was done by committee members earlier in the day, there remain tall trees that need to be addressed. Chair Perry spoke of information and photos sent to him by Peter Mikolajczuk, HHNP Sub-committee member. The information will be outlined on a map and provided to the Town so that the trees can be addressed. Mr. Mikolajczuk intends to place copies of the photo and notice of trail closure at the kiosk and on the Facebook site.

Bruce Peterson, Horse Hill Nature Preserve Sub-committee, commented the beavers have been very active. He spoke of tree removal that occurred noting a particular tree that is leaning over the trail. They did not feel comfortable trying to remove that particular tree. There are a few others that are expected to fall in the near future as there continues to be beaver activity.

Mr. Peterson noted one small section of the trail had downed trees. Users have already started walking around the debris, which was thought to be a good idea. They blocked the original section (30-40' on top of the pond) and cleaned up the newly created path. He questioned what authority the Sub-committee has in terms of having made such a change and to go in and cut trees down. Specifically, he

questioned do members of the Sub-committee have the authority to go in and get the work done or is advance permission required from the Commission.

Chair Perry stated there was a safety issue that members of the Sub-committee addressed. If there is a trail that is blocked, we know it is utilized, and there is a viable route around it, then once the original trail section is cleared, if the decision is to return to the original trail, that can be done. Commissioner Tenhave commented, likely not in this situation, but in the future, we should be sensitive of wet areas and creating a wet issue that did not previously exist. If it looks like that would occur, consideration should be given to simply closing the trail until a viable alternative can be found.

Mr. Peterson commented on wet areas due to rain and snow melting. He questioned if, at some point, a decision is needed to close sections of the HHNP. Chair Perry remarked that is done in the spring during mud season. Users of the trails are asked to be cognizant of mud season, e.g., stay on the trail, don't use if really wet. However, people are going to walk in the trails, and you end up doing a lot of repair.

Grater Woods

The Sub-committee met on November 27th and discussed the three completed Scout projects. They discussed re-installing the kiosk just before the Outdoor Classroom. The January meeting will include discussion of the Stewardship Plan.

Commissioner Boisvert commented on the size of the tree that fell across the Red Maple Trail, and questioned if the Town could be asked to remove it. Chair Perry stated he would be putting a request into the Public Works Department for the work at the HHNP and can include this.

Chair Perry spoke of witnessing a large ATV traveling from Beebe Lane (through gate) leaving large tracks all the way down to the school (would have passed 4 signs along the way). The gate is on private property. Commissioner Boisvert will ask the property owner if he is willing to lock the gate and offer to purchase a lock. The gate was damaged by a tree falling on it; however, still swings.

- Scout Updates

Commissioner Rosati noted Life Scout Sidhant Dhanaraj, would be providing his Eagle Scout project presentation to the Town Council on Thursday. She will be in attendance.

Commissioner Rosati stated Life Scout Brigham Parker, who constructed the Outdoor Classroom (Town property), has donated the \$136.35 remaining from his fundraising effort to the Town. Life Scout Parker was thanked for his project and donation.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. November 19, 2018

The following amendments were offered:

Page 3, Line 26; replace "Mr." with "Commissioner"

Page 3, Line 37; replace "Member" with "Commissioner"

Page 4, Line 31; replace "purchase" with "purchased"

Page 5, Line 16; replace "Commissioner" with "Vice Chair"

Page 6, Line 25; replace “5-0-0” with “6-0-0”

**MOTION BY COMMISSIONER GLENN TO ACCEPT, AS AMENDED
MOTION SECONDED BY VICE CHAIR CARON
MOTION CARRIED**

7-0-0

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn informed the Commission of information she distributed regarding wetland proposed rules. Hearings began earlier in the day. She visited the New Hampshire Association of Conservation Commissions’ website and did not locate the slides from the Annual Meeting presentations; however, she believes they are located on the NHDES website. She will obtain a copy and distribute.

Commissioner Tenhave questioned if the Grater Woods Stewardship Plan update would be forwarded to the Commission once the Sub-committee has completed its work. Chair Perry stated that to be the intent. Commissioner Tenhave stated the desire for the Commission to discuss the proposed re-routing of the Gateway Trail during a January or February meeting. Attempts were made to conduct the project through an Aquatic Resource Mitigation (ARM) Fund application; however, those efforts were unsuccessful.

Chair Perry commented the report from GZA GeoEnvironmental, Inc. should be completed or near completion by that time.

Commissioner Tenhave predicted the need for 1 or more working sessions in that same timeframe to go over the analysis for the Chapter 111 update.

ADJOURNMENT

**MOTION BY COMMISSIONER GLENN TO ADJOURN
MOTION SECONDED BY COMMISSIONER ROSATI
MOTION CARRIED**

7-0-0

The December 3, 2018 meeting of the Merrimack Conservation Commission was adjourned at 7:34 p.m.

Submitted by Dawn MacMillan