



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

JULY 12, 2021

### MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, July 12, 2021, at 6:33 p.m. in the Merrimack Memorial Conference Room.

Steven Perkins, Chair, presided:

#### Members of the Commission Present:

Gina Rosati, Secretary  
Gage Perry  
Eric Starr  
Michael Drouin, Alternate Member  
Ellen Kolb, Alternate Member  
Councilor Andy Hunter

#### Members of the Commission Absent:

Michael Boisvert, Vice Chair  
Cynthia Glenn

#### Also Participating: LLC

Keith Pasquale, Northshore Trailer and Suspension,  
Joseph Nissim, 20 Star Drive  
David Morin,  
Berkshire Hathaway HomeServices/Verani Realty  
Michael Ploof, Land Surveyor, Fieldstone Land  
Consultants  
Spencer Tate, Soil & Wetland Scientist, Meridian  
Land Services

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*Chair Perkins designated Commissioner Drouin to sit in for Commissioner Boisvert and Commissioner Kolb for Commissioner Glenn.*

**PUBLIC COMMENT** - None

**PUBLIC HEARINGS** - None

**APPOINTMENTS** – None

## **STATUTORY/ADVISORY BUSINESS**

### **1. Northshore Trailer and Suspension, LLC (applicant) and Joseph Nissim (owner) -**

Review for recommendation to the Planning Board of a Waiver of Full Site Plan Review to operate a trailer suspension and repair business. The parcel is located at 20 Star Drive in the I-1 (Industrial) and the Aquifer Conservation District. Tax Map 3D-1, Lot 012.

David Morin, Berkshire Hathaway HomeServices/Verani Realty, noted the property is located at 20 Star Drive. Star Drive is a road that dead ends at the railroad tracks. There is a crossing that gets you over the PSNH land and other properties. The property has an old railroad spur that is currently not in service.

Keith Pasquale, Northshore Trailer and Suspension, LLC, is looking to purchase the property and move his business there from its current location in Salem, NH. Mr. Pasquale has been in business for over 30 years.

The business services primarily tractor trailer bodies. That could be body work, suspension work and other issues related to keeping the trucks on the road.

The applicant has been before the Planning Board and understands the parcel is within the Aquifer Conservation District. The plan includes notes indicating an awareness and the requirement to follow regulations regarding herbicides, landscaping maintenance, and snow removal.

The building is larger than required for the applicant's business. The intent is to lease out some of the space. Noted was that lubricants, grease, and other items are utilized in the maintenance of the trucks. All rules and regulations regarding the handling of any hazardous waste are complied with.

Asked if an exemption is being sought regarding the site plan, Mr. Morin stated that is not the case. The site plan has been reviewed in detail with Planning Department staff, which resulted in the modified site plan. The applicant was before the Planning Board with a request for a waiver of full site plan review more as a matter of timing. Questions raised by the Planning Board have been addressed. The desire is to close on the purchase of the property on Friday and for renovations to begin. The current location of the business is in a rented facility, which is being sold. The applicant is hopeful to avoid an interruption in his business with this move.

One of the requests of the Planning Board is an updated site plan. The intent is to provide that within the next couple of months. A contract was recently signed with an engineering firm to address that request.

Chair Perkins asked for information on the drainage in the parking lot. Mr. Morin noted the plan before the Commission was provided by the Town, is dated 1982, and is the plan on file. It was approved for a waiver of site plan review in 2017. With their time constraints, the same plan was presented to the Planning Board on June 15<sup>th</sup>. They had a lot of questions, drainage being one. Some of the work that was originally intended to be done was never completed. For the last 40 years the site has had a problem with runoff. It is that way today. Having visited the site

earlier in the day, he witnessed a puddle located partially in the road and partially on the abutter's land, but not in the parking lot. There is runoff that comes from the parking lot and travels into the public way. That was discussed and an engineer has visited the site. The Applicant is in the process of having stormwater management design completed. It is now a recognized issue. The contract that was signed will produce a stormwater management plan as well as an updated site plan.

Chair Perkins questioned the conceptual design noting concern with fluids that could be present in the parking lot. Mr. Morin stated any fluids would go into a stormwater management system. The plan shows a swale design on the southern end of the building. That is work that should have been done but was not. The plan now is to keep it all within the property boundaries. Back when it was originally planned, the swale was designed to cross where the public way is located. Some deficiencies in the plan were found. The stormwater management plan was the biggest topic of discussion with the Planning Board. The intent is to get a proper design and fix the issue.

Commissioner Perry noted the existing parking lot is fully paved. He questioned and was informed there is no intent to add to the building. There is green space between the building and railroad tracks.

Commissioner Perry spoke of the parcel's proximity to the Merrimack River. Mr. Morin commented on the railroad bed serving as a natural barrier for filtration. He commented when running a clean business there are no issues.

Commissioner Perry was appreciative of the notes concerning storage of oils, lubricants, etc. He questioned if there is a spill plan. Mr. Pasquale stated all containers are made of plastic or metal. They do not leak. They are delivered and picked up there. Antifreeze is in a drum. New antifreeze is delivered and the old removed from the property. Oil is delivered in a container in a containment area (stays in that area). He has not had any problems with spill or runoff. The 250/gallon tubs sit in the area with wire mesh around them that will hold any oils that are being transferred out. The tubs are emptied and filled in that area. Asked if all storage containers are in a containment type of barrier, he indicated they are.

Commissioner Kolb questioned if any tenant would be held to the same material handling requirements. Mr. Pasquale stated the balance of the property is more warehouse. It is loading dock serviced. Anticipated is more of a storage, shipping/receiving type of use. Commissioner Perry stated the Commission would forward a recommendation that any tenant be subjected to the same processes being used by the owner.

Asked if there are any plans for the open space, Mr. Morin stated the intent to maintain it (mow). Currently it is overgrown and in need of maintenance. The Fire Marshal has indicated concern, in its current state, it could be a fire hazard.

Commissioner Rosati noted the preference for straw bales if needed, and that any plantings be non-invasive.

Councilor Hunter questioned what is meant by the request for a waiver of full site plan review, e.g., implications of granting the request. Chair Perkins stated the role of the Commission is to provide recommendations/input to the Planning Board on areas of concern for the Commission. It is the responsibility of the Planning Board to address the request of the waiver.

The four areas that will be outlined in the letter to the Planning Board are to ensure the stormwater plan is comprehensive, tenants abiding by the same safeguards regarding fluids, use of straw bales, if needed, and non-invasive plantings, if needed.

- 2. John Flatley Company (applicant/owner)** - Review for recommendation to the Planning Board of a Site Plan to construct an access road for the Commerce Park project. The parcels are located at 645, 673, 685, and 703 Daniel Webster Highway in the I-1 (Industrial) District and the Aquifer Conservation and Wellhead Protection Areas. Tax Map 6E, Lots 6E/003-01-05.

Michael Ploof, Land Surveyor, Fieldstone Land Consultants, noted the engineer was unable to be in attendance. He was present to provide a description of the project and receive any questions. The purpose of the plan (displayed) was to depict a proposed roadway on Lots 003-1, 003-03, 003-04, and 003-05. There will be four industrial pads. He pointed out the areas of drainage and their routes to the basins/swale. The runoff will eventually make its way to the Merrimack River.

Asked for clarification of “pad”, Mr. Ploof remarked he was referring to a construction area where the industrial buildings will be located. Asked if the current condition is impervious surface, he stated the area is currently gravel and will eventually have building(s) and paved surface(s).

Mr. Ploof stated post drainage runoff will be less than existing. Asked about the stormwater plan, he stated it was submitted to the Community Development Department. Mr. Ploof commented as this was a PFOA site, there is no recharging into the soil. Drainage must go into dry basins. That is what the site is designed to.

Chair Perkins commented on this project being a minor piece of the larger overall project. The chief concern is whether there will be excavated soils. That concern has continually been expressed to and is shared by the Planning Board. Although he is certain there is a plan being developed, he wishes to continue to express the concern. Mr. Ploof stated a response would be provided. Commissioner Rosati commented on Dumpling Brook running through the property. Commissioner Perry stated a desire to see the detail on crossing the brook and riparian zone. Mr. Ploof noted the wetland buffers delineated on the plan. He was uncertain if details were provided with the plan.

## **NEW BUSINESS**

- 1. Meridian Land Services** would like to discuss a building addition on Beacon Road that they are seeking a variance to encroach into the wetland buffer.

2. Spencer Tate, Meridian Land Services, stated, as the Wetland Scientist, he verified the flagging.

The subject parcel is bounded on the south and west by the Souhegan River, has its frontage along Beacon Drive, and both to the north and south it is private residential single-family zoning.

The lot is 1.6 acres in size and currently houses a 3-bedroom home. The house was originally constructed in 1974. The sub-division was approved sometime in the early '70s. In 1975, a drainage easement was put over the parcel. In that easement, is a poorly drained wetland. Mr. Tate commented as a wetland it is a wetland in name only, e.g., has hydric soils, hydrophytic vegetation. However, it is not contiguous with the Souhegan River. It does provide primary treatment and some level of infiltration. It is a minimally functioning wetland when thinking of wetland functions and values.

Asked if it existed prior to the development, Mr. Tate responded he was uncertain, but presumably it was the low spot. There was likely always some water there. The culvert that dumps into it does catch a good bit of runoff from Turkey Hill towards the river. Basically, the entirety of the Beacon Drive loop drains to this point. He is uncertain what was there before, but certainly human development has perpetuated it as a wetland area.

The proposal is the addition of a garage at existing grade with living space up above. The proposed addition will encroach into the wetland buffer to a distance of 19.9' from the wetland edge. The existing buffer is also of low value (managed lawn; not growing well).

Commissioner Drouin questioned, if not managed, would it become a proper wetland, and was told that would not be the case for the area of the buffer impact. It is 4-6' above where it is. There is a well-defined basin that is the wetland edge. If unmanaged, the wetland edge would not creep up.

The way the parcel has been graded is so that the stormwater off the roof and from the added impervious area will travel away from the wetland area. The buffer beyond the project area will be protected with erosion control measures, and the proposed project will have no impacts on the existing functions and values of the wetland itself. He stated his opinion, the removal of this portion of the buffer, would have negligible impacts to the overall wetland value.

He commented on there being municipalities where a wetland that is derived either partially or completely from manmade circumstances, can be exempt from buffer impacts. In Merrimack, if it looks like a wetland, it has the 25' buffer and 40' building setback.

Commissioner Perry questioned the amount of the building that would be within the buffer and was told it is approx. 5' (back corner of building).

Commissioner Rosati questioned and was informed there will be an extension to the area of impervious surface (driveway).

Asked what the silt sock will be filled with, Mr. Tate stated they typically come with a shredded Aspen like poplar byproduct.

*The consensus reached was to forward comment to the ZBA indicating no significant reservations related to the project.*

### 3. Annual Meeting of the Commission

- Commission to review its by-laws and see if any changes are necessary

Commissioner Drouin questioned the number of full-time voting members and whether the Town Council Liaison is the 7<sup>th</sup> full-time/voting member.

The question was asked of whether the Secretary position is that of an officer.

Commissioner Perry spoke of the vote by the Commission that permits the individual Commissioner Assigned to a particular project to authorize expenditure(s) up to the amount approved by the Commission. Article IX A states “the Chairperson shall authorize expenditures of funds within the approved budget.” He suggested the by-laws could be amended to include the language of the motion that authorized an individual Commissioner to approve expenses.

*Commissioner Rosati will look to identify the language that was utilized.*

*Additional review of the By-laws will be included as an item for the next meeting.*

Commissioner Drouin questioned language in Article III A, which states “Meetings shall not be held on Sundays or legal holidays.” Although unlikely the Commission would meet on a Sunday or legal holiday; he does not believe the Commission should place that limitation on itself. It was noted that there are times when a quorum of the Commission meets at a particular property to conduct a site walk. That could occur on a Sunday, etc.

**MOTION BY COMMISSIONER ROSATI TO AMEND ARTICLE III A OF THE BY-LAWS BY REMOVING THE LAST SENTENCE, WHICH READS “MEETINGS SHALL NOT BE HELD ON SUNDAYS OR LEGAL HOLIDAYS.”**

**MOTION SECONDED BY COMMISSIONER DROUIN**

**MOTION CARRIED**

**7-0-0**

Commissioner Drouin questioned the language in Article IV A, which states “Only full-time members shall hold office.” He suggested that be removed as it is unnecessary. Commissioner Rosati stated her belief the reason for that language is to ensure officers have voting rights.

Commissioner Drouin questioned the language in Article VIII B; “The Chairperson will call for a motion to be made on the issue being discussed.” Specifically, why that is not followed. Commissioner Rosati commented it is dependent on what the issue is; not everything needs to be voted on. Commissioner Perry noted a recommendation of the Commission is not the same as a formal motion to act on a matter.

- Commission to hold its annual election for Chairperson, Vice Chairperson and Secretary

Chair Perkins called for nominations for Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.

**COMMISSIONER PERRY NOMINATED STEVE PERKINS  
SECONDED BY COMMISSIONER DROUIN**

**VOTE ON ELECTION OF STEVE PERKINS TO THE POSITION OF CHAIRPERSON  
OF THE MERRIMACK CONSERVATION COMMISSION FOR THE 2021-2022 TERM  
MOTION CARRIED**

**6-0-1**

*Commissioner Perkins Abstained*

*Commissioner Perkins declared Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.*

Chair Perkins called for nominations for Vice Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.

**CHAIR PERKINS NOMINATED MICHAEL BOISVERT  
SECONDED BY COMMISSIONER KOLB**

**VOTE ON ELECTION OF MICHAEL BOISVERT TO THE POSITION OF VICE  
CHAIRPERSON OF THE MERRIMACK CONSERVATION COMMISSION FOR THE  
2021-2022 TERM  
MOTION CARRIED**

**7-0-0**

*Commissioner Boisvert declared Vice Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.*

Chair Perkins called for nominations for Secretary of the Merrimack Conservation Commission for the 2021-2022 term.

**CHAIR PERKINS NOMINATED GINA ROSATI  
SECONDED BY COMMISSIONER PERRY**

**VOTE ON ELECTION OF GINA ROSATI TO THE POSITION OF SECRETARY OF  
THE MERRIMACK CONSERVATION COMMISSION FOR THE 2021-2022 TERM  
MOTION CARRIED**

**7-0-0**

*Commissioner Rosati declared Secretary of the Merrimack Conservation Commission for the 2021-2022 term.*



Commissioner Drouin questioned whether there is a list of sub-committee membership and identification of appointed/liaison members of those sub-committees and was informed there is. Commissioner Rosati spoke of the need for the website to be updated to include the most recent information.

## **OLD BUSINESS**

### **1. MCC Shed and Supplies Discussion**

Commissioner Drouin spoke of the information provided the Commission regarding potential tools for purchase.

Chair Perkins stated he spoke with Paul Micali, Town Manager concerning storage location possibilities. Mr. Micali expressed reservations about the co-mingling of supplies, e.g., storage shed at Bishop Field. Another problem is with the storage of any flammable materials. The more discussion that occurs it seems the easiest solution is not to store those type of items.

Commissioner Perry commented the moment something is stored on Town property it becomes the liability of the Town. When performing functions of the Commission, Commissioners are covered under the Town's insurance policy. If storing flammable materials, there is a requirement for anything flammable to be in a flammable box. That would mean any time you use a chainsaw you would have to empty the gas and oil out of it.

Town Manager Cabanel has indicated the Town has purchased sheds previously. He would help select an appropriate location for a shed. Commissioner Drouin suggested locating a shed next to the shed at Bishop Field.

Chair Perkins questioned if the way maintenance is handled presently is no longer working. He commented on the amount of expense associated with the potential purchases.

Commissioner Drouin spoke of having been on a trail removing debris when a tree fell. He was on the trail doing the Town's work with only gloves for protection. Chair Perkins questioned if helmets were available would the Commission be better served storing them with individuals. Commissioner Perry questioned if that work should be done without proper equipment/training.

Commissioner Rosati spoke of an instance of downed trees. The Public Works Department (PWD) was called upon to clear the debris. Commissioner Perry stated the tree removal to have been of standing trees. Commissioners have only made the habit of cutting downed trees. Commissioner Rosati questioned if the Commission should inquire as to what type of work the PWD will and will not do moving forward. She spoke of being uncomfortable with people using chainsaws without proper training.

Councilor Hunter asked if part of the discussion with the Town Manager included the concern with potential users of Commission equipment. Commissioner Drouin stated the



question asked was if the Commission were to purchase its own tools, is there a place to store them. Kyle Fox, Director, PWD, recommended a storage shed.

Commissioner Perry stated the issue of liability has been discussed in the past; however, it related to the public. Were members of the public participating in a clean-up day for instance, the Commission is not to permit their use of power tools. The Commissioner has never really pursued the issue of a member of the Commission performing such tasks. Former Commissioner Caron went through the certification process. Asked if that certification program remains available, Commissioner Perry stated it is. It is a State program. Commissioner Rosati noted it is an expensive and time consuming process.

Commissioner Perry spoke of extensive projects he and others have done that required use of certain tools. Councilor Hunter asked, and was told in those instances, personal equipment was utilized.

Commissioner Rosati stated there is a requirement for an individual on Town property utilizing a chainsaw to do so with the permission of the Commission. Otherwise, it is vandalism.

The issue of liability will have to be discussed with the Town Manager.

Commissioner Rosati reiterated the desire to discuss with the PWD what work can be done by the department moving forward. Commissioner Perry spoke of prior discussions of creating a schedule for mowing, etc. and a work order system for the sake of tracking.

Councilor Hunter suggested he have a discussion with Town Manager Micali to learn of his opinion. If he is supportive of the endeavor, Director Fox should be included in the conversation. If we can get Town employees, who are already trained, out there doing the work, we should utilize that resource. Being uncertain of the level of strain that would place on the department, he would like the conversation to begin with the Town Manager.

Commissioner Drouin spoke of the other tools, e.g., non-powered. Commissioner Perry remarked he does not believe there will be any concerns raised around the purchase of non-powered equipment.

***The item will be placed on the next agenda. Councilor Hunter will provide an update.***

## **2. Update on Turtle Tracker Removal**

Commissioner Rosati spoke of recent approval to expend an amount not to exceed \$5,000 for the removal of trackers from 3 Blanding's turtles. An email communication was received from Jeff Littleton, Moosewood Ecological, which included an invoice in the amount of \$2,097. The invoice was forwarded to the Community Development Department for payment. The communication states:

*“We have completed project planning/strategizing and a couple of telemetry surveys. We have found the 2 females but they have been in the middle of the wetland where it is too deep to physically get a hold of them. We still have yet to locate the male, but 2 years ago this guy wondered all over the place. We checked up at the Old Blood Road site where we found him in 2019 but saw that the development is moving forward.*

*Now that it has gotten so hot we believe the females are estivating and not feeding or moving. As such, in a manner to be efficient we will wait until late summer/early fall to resume telemetry and possibly trapping to capture the turtles to remove the transmitters. I will keep you posted as we move forward.*

*Attached is our 1st invoice. Let me know if you have any questions.”*

### **3. Potential Scouting projects**

Commissioner Rosati read into the record a communication from Vice Chair Boisvert:

*Would you add this into the Eagle Scout project discussion on Monday for me? Here is my input for Scout projects:*

- 1. Signs; especially Garter Woods and Sklar; some would need poles. He could make a long list. This really cannot wait.*
- 2. Construction of trails, stairs or the like on steep hill connecting Ferry and Eagle Bluff Trails in Sklar.*
- 3. There is usually a bridge or bridges in need somewhere.*

Commissioner Rosati noted the bridge being worked on at Wildcat Falls and the Bowman Bridge at the Horse Hill Nature Preserve. Commissioner Rosati suggested the ex-officio members of the various sub-committees put the question of needed work to the sub-committee membership.

Commissioner Perry spoke of previous discussion around maintenance of existing amenities. Commissioner Rosati questioned the ability to nurture a relationship with the school shop teachers. Commissioner Drouin questioned if the school shop classes build sheds.

Commissioner Drouin stated agreement with the construction of stairs; however, noted the magnitude of such a project.

Commissioner Perry questioned if the trails in Sklar have already been named.

### **OTHER BUSINESS**

***There being no objection, the agenda was amended to include discussion on communications or correspondence received concerning regulated Commission activities and any issues concerning Commission managed lands and Sub-committee updates.***

1. Discussion on communications or correspondence received concerning regulated Commission activities and any issues concerning Commission managed lands.
2. Sub-Committee Updates

Commissioner Perry stated there to be a meeting of the Grater Woods Sub-committee scheduled for 6:30 p.m. on July 14<sup>th</sup> in the Memorial Conference Room.

### **PRESENTATION OF THE MINUTES**

Merrimack Conservation Commission. . . . . [June 28, 2021](#)

*The following amendments were offered:*

Throughout the document, correct the spelling of “Chamberlin”  
Page 4, Line 18; insert “outdoor” before “classroom”  
Page 4, Line 40; replace “the” with “or they”

**MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED**

**MOTION SECONDED BY CHAIR PERKINS**

**MOTION CARRIED**

**6-0-1**

*Councilor Hunter Abstained*

**PUBLIC COMMENT** - None

**COMMISSIONER COMMENTS**

Chair Perkins noted meetings of the Commission will return to the 1<sup>st</sup> and 3<sup>rd</sup> Mondays. There are single meetings scheduled for July and September.

### **TABLED**

1. Discussion and vote to re-treat the invasive Knotweed that is taking hold again on property off of Brookside Drive. This will require a licensed applicator.

***Tabled 9-21-20***

#### **Notes from 9-21-20 Meeting:**

*Commissioner Perry spoke of the Commission’s property along Brookside Drive. The property was treated in September of 2014 and has started to become once again overgrown with Knotweed. Bay State Forestry was the company that addressed this issue the last time. A quote can be sought.*

*Commissioner Boisvert commented on the prior instance that involved the Knotweed encroaching on a neighboring property. Commissioner Tenhave stated that neighbor has*

*since moved on. There are beekeepers in the area, and there is the need to provide notification of any spraying.*

***The item was tabled pending additional information on associated cost.***

**Notes from 11-16-20 Meeting:**

***Commissioner Rosati noted the suggestion that an agenda item be added for items tabled, as a means of tracking progress. She noted the item tabled at the 9-21-20 meeting regarding re-treating invasive Knotweed on the property off of Brookside Drive. Commissioner Perry stated the item should remain tabled. The Forester who had done previous work is no longer with Bay State Forestry. New contact information has been provided.***

**ADJOURNMENT**

**MOTION BY COMMISSIONER PERRY TO ADJOURN**

**MOTION SECONDED BY CHAIR PERKINS**

**MOTION CARRIED**

**7-0-0**

The July 12, 2021, meeting of the Merrimack Conservation Commission was adjourned at 8:30 p.m.

Submitted by Dawn MacMillan

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- Michael Ploof, Land Surveyor, Fieldstone Land Consultants

- Spencer Tate, Soil & Wetland Scientist, Meridian Land Services

Chair Perkins designated Commissioner Drouin to sit in for Commissioner Boisvert and Commissioner Kolb for Commissioner Glenn.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS – None

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Councilor Hunter questioned what is meant by the request for a waiver of full site plan review, e.g., implications of granting the request. Chair Perkins stated the role of the Commission is to provide recommendations/input to the Planning Board on areas of concern for the Commission. It is the responsibility of the Planning Board to address the request of the waiver.

The four areas that will be outlined in the letter to the Planning Board are to ensure the stormwater plan is comprehensive, tenants abiding by the same safeguards regarding fluids, use of straw bales, if needed, and non-invasive plantings, if needed.

2. John Flatley Company (applicant/owner) - Review for recommendation to the Planning Board of a Site Plan to construct an access road for the Commerce Park project. The parcels are located at 645, 673, 685, and 703 Daniel Webster Highway in the I-1 (Industrial) District and the Aquifer Conservation and Wellhead Protection Areas. Tax Map 6E, Lots 6E/003-01-05.

Michael Ploof, Land Surveyor, Fieldstone Land Consultants, noted the engineer was unable to be in attendance. He was present to provide a description of the project and receive any questions. The purpose of the plan (displayed) was to depict a proposed roadway on Lots 003-1, 003-03, 003-04, and 003-05. There will be four industrial pads. He pointed out the areas of drainage and their routes to the basins/swale. The runoff will eventually make its way to the Merrimack River.

Asked for clarification of "pad", Mr. Ploof remarked he was referring to a construction area where the industrial buildings will be located. Asked if the current condition is impervious surface, he stated the area is currently gravel and will eventually have building(s) and paved surface(s).

Mr. Ploof stated post drainage runoff will be less than existing. Asked about the stormwater plan, he stated it was submitted to the Community Development Department. Mr. Ploof commented as this was a PFOA site, there is no recharging into the soil. Drainage must go into dry basins. That is what the site is designed to.

Chair Perkins commented on this project being a minor piece of the larger overall project. The chief concern is whether there will be excavated soils. That concern has continually been



expressed to and is shared by the Planning Board. Although he is certain there is a plan being developed, he wishes to continue to express the concern. Mr. Ploof stated a response would be provided.

Commissioner Rosati commented on Dumpling Brook running through the property.

Commissioner Perry stated a desire to see the detail on crossing the brook and riparian zone. Mr. Ploof noted the wetland buffers delineated on the plan. He was uncertain if details were provided with the plan.

## NEW BUSINESS

1. Meridian Land Services would like to discuss a building addition on Beacon Road that they are seeking a variance to encroach into the wetland buffer.

Spencer Tate, Meridian Land Services, stated, as the Wetland Scientist, he verified the flagging.

The subject parcel is bounded on the south and west by the Souhegan River, has its frontage along Beacon Drive, and both to the north and south it is private residential single-family zoning.

The lot is 1.6 acres in size and currently houses a 3-bedroom home. The house was originally constructed in 1974. The sub-division was approved sometime in the early '70s. In 1975, a drainage easement was put over the parcel. In that easement, is a poorly drained wetland. Mr. Tate commented as a wetland it is a wetland in name only, e.g., has hydric soils, hydrophytic vegetation. However, it is not contiguous with the Souhegan River. It does provide primary treatment and some level of infiltration. It is a minimally functioning wetland when thinking of wetland functions and values.

Asked if it existed prior to the development, Mr. Tate responded he was uncertain, but presumably it was the low spot. There was likely always some water there. The culvert that dumps into it does catch a good bit of runoff from Turkey Hill towards the river. Basically, the entirety of the Beacon Drive loop drains to this point. He is uncertain what was there before, but certainly human development has perpetuated it as a wetland area.

The proposal is the addition of a garage at existing grade with living space up above. The proposed addition will encroach into the wetland buffer to a distance of 19.9' from the wetland edge. The existing buffer is also of low value (managed lawn; not growing well).

Commissioner Drouin questioned, if not managed, would it become a proper wetland, and was told that would not be the case for the area of the buffer impact. It is 4-6' above where it is. There is a well-defined basin that is the wetland edge. If unmanaged, the wetland edge would not creep up.

The way the parcel has been graded is so that the stormwater off the roof and from the added impervious area will travel away from the wetland area. The buffer beyond the project area will be protected with erosion control measures, and the proposed project will have no impacts on the existing functions and values of the wetland itself. He stated his opinion, the removal of this portion of the buffer, would have negligible impacts to the overall wetland value.

He commented on there being municipalities where a wetland that is derived either partially or completely from manmade circumstances, can be exempt from buffer impacts. In Merrimack, if it looks like a wetland, it has the 25' buffer and 40' building setback.

Commissioner Perry questioned the amount of the building that would be within the buffer and was told it is approx. 5' (back corner of building).

Commissioner Rosati questioned and was informed there will be an extension to the area of impervious surface (driveway).

Asked what the silt sock will be filled with, Mr. Tate stated they typically come with a shredded Aspen like poplar byproduct.

The consensus reached was to forward comment to the ZBA indicating no significant reservations related to the project.

## 2. Annual Meeting of the Commission

- Commission to review its by-laws and see if any changes are necessary

Commissioner Drouin questioned the number of full-time voting members and whether the Town Council Liaison is the 7th full-time/voting member.

The question was asked of whether the Secretary position is that of an officer.

Commissioner Perry spoke of the vote by the Commission that permits the individual Commissioner Assigned to a particular project to authorize expenditure(s) up to the amount approved by the Commission. Article IX A states "the Chairperson shall authorize expenditures of funds within the approved budget." He suggested the by-laws could be amended to include the language of the motion that authorized an individual Commissioner to approve expenses.

Commissioner Rosati will look to identify the language that was utilized.

Additional review of the By-laws will be included as an item for the next meeting.

Commissioner Drouin questioned language in Article III A, which states "Meetings shall not be held on Sundays or legal holidays." Although unlikely the Commission would meet on a Sunday or legal holiday; he does not believe the Commission should place that limitation on itself. It was noted that there are times when a quorum of the Commission meets at a particular property to conduct a site walk. That could occur on a Sunday, etc.

**MOTION BY COMMISSIONER ROSATI TO AMEND ARTICLE III A OF THE BY-LAWS BY REMOVING THE LAST SENTENCE, WHICH READS "MEETINGS SHALL NOT BE HELD ON SUNDAYS OR LEGAL HOLIDAYS."**

**MOTION SECONDED BY COMMISSIONER DROUIN**

**MOTION CARRIED**

7-0-0

Commissioner Drouin questioned the language in Article IV A, which states “Only full-time members shall hold office.” He suggested that be removed as it is unnecessary. Commissioner Rosati stated her belief the reason for that language is to ensure officers have voting rights.

Commissioner Drouin questioned the language in Article VIII B; “The Chairperson will call for a motion to be made on the issue being discussed.” Specifically, why that is not followed. Commissioner Rosati commented it is dependent on what the issue is; not everything needs to be voted on. Commissioner Perry noted a recommendation of the Commission is not the same as a formal motion to act on a matter.

- Commission to hold its annual election for Chairperson, Vice Chairperson and Secretary

Chair Perkins called for nominations for Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.

COMMISSIONER PERRY NOMINATED STEVE PERKINS  
SECONDED BY COMMISSIONER DROUIN

VOTE ON ELECTION OF STEVE PERKINS TO THE POSITION OF CHAIRPERSON OF  
THE MERRIMACK CONSERVATION COMMISSION FOR THE 2021-2022 TERM  
MOTION CARRIED

6-0-1

Commissioner Perkins Abstained

Commissioner Perkins declared Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.

Chair Perkins called for nominations for Vice Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.

CHAIR PERKINS NOMINATED MICHAEL BOISVERT  
SECONDED BY COMMISSIONER KOLB

VOTE ON ELECTION OF MICHAEL BOISVERT TO THE POSITION OF VICE  
CHAIRPERSON OF THE MERRIMACK CONSERVATION COMMISSION FOR THE 2021-  
2022 TERM  
MOTION CARRIED

7-0-0

Commissioner Boisvert declared Vice Chairperson of the Merrimack Conservation Commission for the 2021-2022 term.

Chair Perkins called for nominations for Secretary of the Merrimack Conservation Commission for the 2021-2022 term.

CHAIR PERKINS NOMINATED GINA ROSATI  
SECONDED BY COMMISSIONER PERRY

VOTE ON ELECTION OF GINA ROSATI TO THE POSITION OF SECRETARY OF THE  
MERRIMACK CONSERVATION COMMISSION FOR THE 2021-2022 TERM

MOTION CARRIED

7-0-0

Commissioner Rosati declared Secretary of the Merrimack Conservation Commission for the 2021-2022 term.

Commissioner Drouin questioned whether there is a list of sub-committee membership and identification of appointed/liaison members of those sub-committees and was informed there is. Commissioner Rosati spoke of the need for the website to be updated to include the most recent information.

OLD BUSINESS

#### 1. MCC Shed and Supplies Discussion

Commissioner Drouin spoke of the information provided the Commission regarding potential tools for purchase.

Chair Perkins stated he spoke with Paul Micali, Town Manager concerning storage location possibilities. Mr. Micali expressed reservations about the co-mingling of supplies, e.g., storage shed at Bishop Field. Another problem is with the storage of any flammable materials. The more discussion that occurs it seems the easiest solution is not to store those type of items.

Commissioner Perry commented the moment something is stored on Town property it becomes the liability of the Town. When performing functions of the Commission, Commissioners are covered under the Town's insurance policy. If storing flammable materials, there is a requirement for anything flammable to be in a flammable box. That would mean any time you use a chainsaw you would have to empty the gas and oil out of it.

Town Manager Micali has indicated the Town has purchased sheds previously. He would help select an appropriate location for a shed. Commissioner Drouin suggested locating a shed next to the shed at Bishop Field.

Chair Perkins questioned if the way maintenance is handled presently is no longer working. He commented on the amount of expense associated with the potential purchases.

Commissioner Drouin spoke of having been on a trail removing debris when a tree fell. He was on the trail doing the Town's work with only gloves for protection. Chair Perkins questioned if helmets were available would the Commission be better served storing them with individuals. Commissioner Perry questioned if that work should be done without proper equipment/training.

Commissioner Rosati spoke of an instance of downed trees. The Public Works Department (PWD) was called upon to clear the debris. Commissioner Perry stated the tree removal to have been of standing trees. Commissioners have only made the habit of cutting downed trees. Commissioner Rosati questioned if the Commission should inquire as to what type of work the PWD will and will not do moving forward. She spoke of being uncomfortable with people using chainsaws without proper training.

Councilor Hunter asked if part of the discussion with the Town Manager included the concern with potential users of Commission equipment. Commissioner Drouin stated the question asked was if the Commission were to purchase its own tools, is there a place to store them. Kyle Fox, Director, PWD, recommended a storage shed.

Commissioner Perry stated the issue of liability has been discussed in the past; however, it related to the public. Were members of the public participating in a clean-up day for instance, the Commission is not to permit their use of power tools. The Commissioner has never really pursued the issue of a member of the Commission performing such tasks. Former Commissioner Caron went through the certification process. Asked if that certification program remains available, Commissioner Perry stated it is. It is a State program. Commissioner Rosati noted it is an expensive and time consuming process.

Commissioner Perry spoke of extensive projects he and others have done that required use of certain tools. Councilor Hunter asked, and was told in those instances, personal equipment was utilized.

Commissioner Rosati stated there is a requirement for an individual on Town property utilizing a chainsaw to do so with the permission of the Commission. Otherwise, it is vandalism.

The issue of liability will have to be discussed with the Town Manager.

Commissioner Rosati reiterated the desire to discuss with the PWD what work can be done by the department moving forward. Commissioner Perry spoke of prior discussions of creating a schedule for mowing, etc. and a work order system for the sake of tracking.

Councilor Hunter suggested he have a discussion with Town Manager Micali to learn of his opinion. If he is supportive of the endeavor, Director Fox should be included in the conversation. If we can get Town employees, who are already trained, out there doing the work, we should utilize that resource. Being uncertain of the level of strain that would place on the department, he would like the conversation to begin with the Town Manager.

Commissioner Drouin spoke of the other tools, e.g., non-powered. Commissioner Perry remarked he does not believe there will be any concerns raised around the purchase of non-powered equipment.

The item will be placed on the next agenda. Councilor Hunter will provide an update.

## 2. Update on Turtle Tracker Removal

Commissioner Rosati spoke of recent approval to expend an amount not to exceed \$5,000 for the removal of trackers from 3 Blanding's turtles. An email communication was received from Jeff Littleton, Moosewood Ecological, which included an invoice in the amount of \$2,097. The invoice was forwarded to the Community Development Department for payment. The communication states:

"We have completed project planning/strategizing and a couple of telemetry surveys. We have found the 2 females but they have been in the middle of the wetland where it is too deep to physically get a hold of them. We still have yet to locate the male, but 2 years ago this guy wandered all over the place. We checked up at the Old Blood Road site where we found him in 2019 but saw that the development is moving forward.

Now that it has gotten so hot we believe the females are estivating and not feeding or moving. As such, in a manner to be efficient we will wait until late summer/early fall to resume telemetry and possibly trapping to capture the turtles to remove the transmitters. I will keep you posted as we move forward.

Attached is our 1st invoice. Let me know if you have any questions."

### 3. Potential Scouting projects

Commissioner Rosati read into the record a communication from Vice Chair Boisvert:

Would you add this into the Eagle Scout project discussion on Monday for me. Here is my input for Scout projects:

1. Signs; especially Grater Woods and Sklar; some would need poles. He could make a long list. This really cannot wait.
2. Construction of trails, stairs or the like on steep hill connecting Ferry and Eagle Bluff Trails in Sklar.
3. There is usually a bridge or bridges in need somewhere.

Commissioner Rosati noted the bridge being worked on at Wildcat Falls and the Bowman Bridge at the Horse Hill Nature Preserve. Commissioner Rosati suggested the ex-officio members of the various sub-committees put the question of needed work to the sub-committee membership.

Commissioner Perry spoke of previous discussion around maintenance of existing amenities. Commissioner Rosati questioned the ability to nurture a relationship with the school shop teachers. Commissioner Drouin questioned if the school shop classes build sheds.

Commissioner Drouin stated agreement with the construction of stairs; however, noted the magnitude of such a project.

Commissioner Perry questioned if the trails in Sklar have already been named.

## OTHER BUSINESS

There being no objection, the agenda was amended to include discussion on communications or correspondence received concerning regulated Commission activities and any issues concerning Commission managed lands and Sub-committee updates.

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

### 2. Sub-Committee Updates

Commissioner Perry stated there to be a meeting of the Grater Woods Sub-committee scheduled for 6:30 p.m. on July 14th in the Memorial Conference Room.

## PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . June 28, 2021

The following amendments were offered:

Throughout the document, correct the spelling of “Chamberlin”

Page 4, Line 18; insert “outdoor” before “classroom”

Page 4, Line 40; replace “the” with “or they”

MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED

MOTION SECONDED BY CHAIR PERKINS

MOTION CARRIED

6-0-1

Councilor Hunter Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Chair Perkins noted meetings of the Commission will return to the 1st and 3rd Mondays. There are single meetings scheduled for July and September.

## TABLED

1. Discussion and vote to re-treat the invasive Knotweed that is taking hold again on property off of Brookside Drive. This will require a licensed applicator.

Tabled 9-21-20



ADJOURNMENT

MOTION BY COMMISSIONER PERRY TO ADJOURN

MOTION SECONDED BY CHAIR PERKINS

MOTION CARRIED

7-0-0

The July 12, 2021, meeting of the Merrimack Conservation Commission was adjourned at 8:30 p.m.

Submitted by Dawn MacMillan