



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

JUNE 3, 2019

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, June 3, 2019 at 6:32 p.m. in the Merrimack Memorial Conference Room.

Chair Gage Perry presided:

Members of the Commission Present: Michael Boisvert  
Cynthia Glenn  
Steven Perkins  
Gina Rosati  
Michael Swisher, Alternate member  
Tim Tenhave, Alternate Member (arrived at 6:35 p.m.)

Members of the Commission Absent: Matt Caron, Vice Chair  
Councilor Peter Albert

Also in Attendance: Kevin Anderson, Chief of Eng., Meridian Land Services, Inc.

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**PUBLIC COMMENT** - None

**PUBLIC HEARINGS** - None

**APPOINTMENTS** - None

### **STATUTORY/ADVISORY BUSINESS**

1. **T&S Real Estate Holdings, LLC (applicant/owner)** - Review for recommendation to the Planning Board of a site plan for modifications to the previously approved site plan regarding parking and buffers. The parcel is located at 280 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation District. Tax Map 3D-2, Lot 11.

Kevin Anderson, Chief of Engineering, Meridian Land Services, Inc., was before the Commission on behalf of Steve Soucy, T&S Real Estate Holdings, LLC. The property is an existing facility constructed in the '80s, and consisting of four retail units. Parking was expanded in the rear and to the side. Noted by the Town was work done in the rear of the property, which disrupted the buffer to the condominium association that surrounds the property, and on the left side, the expansion crossed the

property line. Having hired a contractor to do the work, the property owner had not realized the encroachments had occurred.

Mr. Anderson went before the Planning Board as a discussion item questioning how to address the parking issue. Considered was an alternative that did not come to fruition (shared parking with VFW). The conclusion reached was for the property to be brought back to where it was prior to the work to expand the parking. The section of pavement along the side will be removed this week. The newly paved section in the rear of the property can result in 4 parallel parking spaces while meeting the requirements of the Town relative to the buffer, e.g., fence and plantings. The end result will be an additional four parking spaces for the property and the plan placed back in compliance.

Mr. Anderson reiterated the situation is a result of a misunderstanding; one which the property owner is taking steps to correct.

Chair Perry commented the plan before the Commission would result in less impervious space than currently exists on the site.

If fertilizer is utilized, the recommendation would be for no phosphate, slow release nitrogen fertilizer.

Mr. Anderson noted the amount of impervious space will be increased with the addition of the four parallel parking spaces in the rear. A stone recharge trench is in place to ensure no increase in runoff (small decrease).

Chair Perry questioned the buffer distance from the D.W. Highway; 20' parking setback; what that impacts in the front of the property.

Mr. Anderson responded Mr. Soucy purchased the property already constructed with tenants in place. He believed it to be fully compliant. About 1' of pavement all the way down to no pavement encroaches within that 25' setback in the front. That technically requires a variance. Mr. Anderson suggested his client cut and remove the pavement. However, there is a sign that is not in compliance with the ordinance, which will require a variance. Meridian performed an existing conditions plan and found a few items that are not in compliance. They are working on correcting those items in addition to the issue of the additional parking spaces. The pavement in the front will be removed.

Mr. Anderson stated he would make the recommended changes to the language to identify no phosphorous.

## **NEW BUSINESS**

### **1. Parking at Wildcat Falls**

Forwarded to the Commission was an email addressed to the Parks and Recreation Department relative to an issue of parking/traffic along Currier Road in relation to visitors to Wildcat Falls. The message was also forwarded to Timothy Thompson, Director, Community Development Department.

The communication included a photo of a bus entering the area. Commissioner Rosati stated her belief this situation has not occurred before. She reached out to the bus line and learned it was a tour bus from Quebec that was coming down to Boston, and likely stopped at the outlets on the way back and decided to view a waterfall. She believes this to have been a rare occurrence.

Commissioner Swisher commented the area is not advertised. It is likely the touring company simply looked to Google to find a waterfall.

Councilor Albert had suggested the resident be invited to the next meeting to allow for a discussion. Chair Perry commented the Commission would not be able to provide much in the way of the desired relief. It is legal to park on the side of the road. The Commission does not have the authority to prohibit parking on the roadway. Commissioner Tenhave suggested the matter be forwarded to the Town Manager and that the Highway Safety Committee be made aware.

It was suggested the Commission review the information previously provided relative to parking options at Wildcat Falls. Chair Perry commented he would not want to make any changes to the current structure without buy-in from the Town Council.

## **OLD BUSINESS**

### **1. Chapter 111 Update**

Chair Perry stated the intent for the Commission to review the information provided at the last meeting and be prepared to make determinations regarding the various categories the properties would be identified under at the time of the 2<sup>nd</sup> meeting in June.

The suggested categories are as follows:

1. None - do not include in Chapter 111
2. Major Property - restrictions appropriate for large properties
3. Major Property + Wasserman - same as Major Property but also limit the discharge of firearms and passive recreation only (in Wasserman Restrictions)
4. River + Brook - restrictions appropriate for properties that lie in a River, along a River or Brook, or are part of a wetland complex that leads into a river or brook
5. Well Property - a parcel that either contains an MVD well, a future MVD well, or abuts an MVD well property

Commissioner Swisher spoke of the classification of Major Property + Wasserman; whether the desire is to lump things into that and have the rules be more stringent, e.g., no hunting at the Horse Hill Nature Preserve (HHNP) and Grater Woods, as a means of being more consistent and streamlined for enforcement purposes. He spoke of the hours designated for properties and questioned whether they should be more consistent. He stated his preference to open up access more universally, if a change is going to be considered.

Chair Perry stated his belief eliminating hunting in Grater Woods would prove difficult. Commissioner Boisvert commented he was not aware a change in that regard was being considered. Commissioner Tenhave responded it was indicated simply as an option for discussion.

Commissioner Boisvert spoke of the difficulty involved in enforcing a restriction relative to hours.

Commissioner Swisher suggested the need for discussion of how to address the issue of e-bikes on the properties.

Commissioner Glenn questioned the impetus for establishing hours of operation. Commissioner

Tenhaven noted there are no reasons per Deed or Easement. The hours currently listed in Chapter 111 were established in 1995. Minutes of the meeting where that was discussed could be reviewed.

Commissioner Glenn remarked although she has no particular preference relative to hours, she favors being consistent across the properties.

Commissioner Tenhaven stated the hours associated with Wasserman Park are dictated by park rules. The parking lot is part of the park and has the same restriction. If accessing Wasserman Conservation Area from outside of the parking lot, there is no time limit. Wildcat Falls, Riverside Park, Hitchin Post Lane, Mitchell Woods, and others have the Dawn to Dusk requirement. Chair Perry noted those are neighborhood areas.

## **OTHER BUSINESS**

### **1. Sub-committee Updates**

#### **Horse Hill Nature Preserve**

June 23<sup>rd</sup> has been confirmed for Cycles Etc to utilize the HHNP for a bike demo.

#### **Grater Woods**

Chair Perry informed the Commission that Jeff Littleton, Moosewood Ecological, and staff, will be onsite every other day for the next two weeks.

With regard to a question raised at the last meeting relative to a hydroseeding truck in Town removing water from the wetlands off South Baboosic, Chair Perry stated there has been a lot of back and forth on the issue, and Director Thompson has indicated, if there is an issue to be addressed, it will be done through NHDES. Chair Perry will contact NHDES.

#### **Wildcat Falls**

Commissioner Rosati spoke of the native wildflowers favored by bees and other pollinators, which were planted, and are popping up.

#### **Sklar Waterfront Park**

Commissioner Boisvert spoke of the clean-up day scheduled for Thursday, June 6<sup>th</sup> from 3:30 – 5:30 p.m. at the Sklar property off of Greeley Street (road and riverfront area). Employees from Anheuser Busch will assist in the clean-up.

## **PRESENTATION OF THE MINUTES**

Merrimack Conservation Commission. . . . . [May 20, 2019](#)

*The following amendments were offered:*

Page 2, Line 13; insert “for” following “liability”  
Page 2, Line 17; capitalize “scout”  
Page 3, Line 37; replace “Green” with “Greens”  
Page 5, Line 4; replace “bating” with “baiting”  
Page 5, Line 24; replace “1119-4” with “119-4”

**MOTION BY COMMISSIONER GLENN TO ACCEPT, AS AMENDED  
MOTION SECONDED BY COMMISSIONER TENHAVE  
MOTION CARRIED  
7-0-0**

**PUBLIC COMMENT** - None

## **COMMISSIONER COMMENTS**

Commissioner Glenn questioned whether there are items that should be posted in all kiosks. Chair Perry commented for properties where hunting is permitted, laws pertaining to hunting should be posted. Information provided on ticks was posted at Wildcat Falls. The Commission had discussed posting the verbiage from the front side of the maps as well as maps.

Commissioner Boisvert questioned if trailheads should have signage for the Merrimack Conservation Commission (inclusive of contact information for reporting purposes). Chair Perry suggested a banner could be placed at the kiosks including website and contact information. Commissioner Tenhave suggested the signage indicate something along the lines of managed by, understanding the Commission does not own all of the parcels.

The suggestion was made that educational material be included, e.g., wildlife, invasive species, BMPs for wetlands, information on recent/current projects, etc.

Commissioner Glenn commented on the recent discussion of trash receptacles at the HHNP noting the existence of a sign that reads “Trash barrels have been removed from this area so that you will have a more pleasurable experience. Please help keep this area clean. Thank you for your cooperation, Merrimack Department of Public Works, Parks Maintenance Division.”

Commissioner Tenhave noted the Special Olympics Law Enforcement Torch Run will occur on Wednesday, June 5, 2019 at 8:30 a.m. Officers and athletes will be carrying the torch on Daniel Webster Highway from the Nashua town line to the Bedford town line.

**ADJOURNMENT**

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

**7-0-0**

*The June 3, 2019 meeting of the Merrimack Conservation Commission was adjourned at 7:18 p.m.*

Submitted by Dawn MacMillan