



## Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

### MERRIMACK CONSERVATION COMMISSION

JUNE 4, 2018

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, June 4, 2018 at 6:34 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  
   Gina Rosati  
   Tim Tenhave, Alternate Member  
   Councilor Peter Albert

Members of the Commission Absent:

Also in Attendance:                        Matt Peterson, Hillside Design Group  
   Jeffrey LeCours, 42 Marty Drive

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PUBLIC COMMENT - None

PUBLIC HEARINGS - None

#### APPOINTMENTS

##### 1. Jeffrey LeCours

Chair Perry noted Mr. LeCours appeared before the Grater Woods Sub-committee at its last meeting and has offered to volunteer as a member of the Sub-committee.

Jeffrey LeCours noted his residence abuts the Grater Woods property. He and his family moved from the northern side of Merrimack to Marty Drive a few years ago and enjoy the outdoors. He would like to participate through membership on the Sub-committee.

**MOTION BY VICE CHAIR CARON TO APPOINT JEFFREY LECOURS AS A FULL MEMBER OF THE GRATER WOODS SUB-COMMITTEE FOR A TERM TO EXPIRE JULY 31, 2021**

**MOTION SECONDED BY COMMISSIONER GLENN**

**MOTION CARRIED**

**7-0-0**

STATUTORY/ADVISORY BUSINESS

- 1. Matt Casparius, Director of Parks & Recreation for the Town of Merrimack** - Discussion of NHDES Wetlands Permit Application by Notification/Beach Replenishment for Naticook Lake at Wasserman Park.

Chair Perry noted the project proposes to add sand to the area. He was uncertain how often this type of project has to be undertaken and is not familiar with it having been done in the past. Vice Chair Caron commented were it a contentious issue, he would anticipate public attendance. It was commented the Naticook Lake committee is very active. If they had concerns, they would bring them forward. Councilor Albert commented on being on the Parks and Recreation Committee with Laura Jaynes who he believes to be an officer within that group. She is well aware of what has been proposed and has not commented.

Chair Perry noted the scope of the project includes less than 10 yards of sand and 1 location. The project has been reviewed by the Natural Heritage Bureau.

**MOTION BY VICE CHAIR CARON TO AUTHORIZE THE CHAIR TO SIGN, ON BEHALF OF THE COMMISSION, THE EXPEDITED PERMIT FOR THE BEACH REPLENISHMENT FOR NATICOOK LAKE AT WASSERMAN PARK  
MOTION SECONDED BY COMMISSIONER ROSATI  
MOTION CARRIED**

**7-0-0**

- 2. Bowers Landing of Merrimack, LLC. (applicant/owner)** - Review for recommendation to the Planning Board for a site plan to construct 65 detached multi-family residential units in Phase VI of the Harris Pond Planned Unit Development. The parcel is located off Bowers Landing Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 1D, Lot 001-04.

Matt Peterson, Hillside Design Group, stated the project is Phase VI of the Harris Pond Planned Unit Development (PUD). The Dunkin Donuts was built at the front, the garden style apartments were then constructed behind it. From there the townhouses were constructed. Two years ago they constructed 50 units of single-family homes. The PUD was made up of 4-5 different parcels that have all stayed as different parcels. The setback is for the overall project.

Phase VI is approx. 30 acres in size. Sewer was built into the site to accommodate the original design of two-bedroom garden-style apartments (137). Currently being proposed is 65 two-bedroom single-family units. Envisioned for the last phase is three buildings of garden-style units.

Referring to the Site Plan, Mr. Peterson commented they have basically created two different communities; Townsend Place and Toby Circle.

In terms of grading, Townsend Place comes in at 1.5% down to a low point and goes back up at 1.5% around the cul-de-sac and back. Townsend Place is drained into a closed drainage system. All of the water is brought to a single location; four-bay and a secondary infiltration detention basin that is set up to meet AoT requirements.

Toby Circle comes in at 2% of platform, comes down at 3% to the low point at the bottom and back up at 3% to about the curb and the road and then 1.5% across. For this piece, because the back half drops about 15-20', all of the units on the back side were made as walk-outs.

Toby Circle has a closed drainage system. It comes to a sediment forebay at the bottom of the project then to an infiltration/detention basin with an outlet structure to regulate the 2, 10, and 25 year storms to meet all requirements.

Mr. Peterson remarked they had to have the wetland mapped, soils tested, etc., last year. There was a little more wetland than had been on the original plan likely as a result of the drainage and outlet structures that were directing the water. It is a wetland now and has to be handled as such.

He spoke of efforts to get contractors to construct ponds first so that they get stabilized and avoid erosion. Having two separate ponds and only two ponds it is hoped that will be minimized.

Mr. Peterson noted the plan set includes landscape and lighting plans.

Vice Chair Caron asked about the proposed surface sand filter. Mr. Peterson stated it to be an infiltration basin, which requires a sand bottom. The details have the specifications of that.

When asked about the connection between the two areas, Mr. Peterson stated with another project in Town, one of the comments made (sewer dept.) was a request for a 20' wide access. They could afford to do it, so they did. The sewer goes cross country in that area. The area will not be paved.

Commissioner Tenhave commented on the "no salt" restriction. He noted the stormwater report shows all levels decreasing, e.g., they are collecting all of their water and are not letting any more water leave the site than is occurring now. In fact, less water is leaving the site as a result of this project.

***The Commission recommended soil testing be conducted prior to consideration of use of fertilizer, and if determined to be necessary, low-phosphate, slow release nitrogen fertilizer be utilized.***

## NEW BUSINESS

### **1. Bike demos at Horse Hill Nature Preserve**

Vice Chair Caron stated Cycles Etc. has reached out regarding conducting two demos; Sunday, June 10<sup>th</sup> and July 22<sup>nd</sup>. The companies that bring their bikes are Santa Cruz Bicycles and Ibis Cycles. They will bring a 20' van towing a trailer full of bikes.

The event is open to the public and provides an opportunity for individuals to ride the bikes. No sales take place at the event.

When asked if participants would be liable, it was stated they would if damaging the bicycles. Vice Chair commented these bikes are expensive and well built. They are meant to fall down.

Commissioner Glenn requested Cycles Etc. make participants aware of pedestrians on the trails who have the right-of-way. She questioned and was informed there is a designated route; on the single

track. Arrows put in place delineating the track and any debris is picked up at the conclusion of the event.

Chair Perry questioned if there is signage informing users the event is scheduled. Vice Chair Caron remarked last year the Commission required Cycles Etc. to provide signage for the kiosks as well as the posts next to the kiosks. It was the consensus of the Commission that requirement be made once again. Vice Chair Caron suggested the demo. loop be identified on the signage.

When asked about the level of participation experienced the previous year, Vice Chair Caron stated it was very well attended (approx. 50). He noted that event was advertised well in advance.

### OLD BUSINESS

#### Grater Woods Ecological Inventory - Moosewood Ecological

Chair Perry informed the Commission he has spoken with Jeff Littleton, Moosewood Ecological. Jeff is working up a proposal for review by the Commission.

#### Aquatic Resource Management (ARM) Fund Application

Chair Perry spoke of meeting with Tracy Tarr, Senior Project Manager, GZA GeoEnvironmental. They reviewed the information contained in the proposal for the ARM Fund and walked the area in question. Her comment was yes this is wetlands, but this isn't going to work. She questioned the square yards of fill that would be removed and the amount of wetland that would be restored. When informed the thought had been to leave it, her response was then you are just trying to construct a road (to keep users out of the wetlands).

GZA does a tremendous amount of work with the ARM Funds. Her comment was keeping conservation land as conservation and keeping the upland boundaries of wetlands protected is much higher on their ranking. She has generated some wetland maps identifying where there are opportunities for ARM funding.

Ms. Tarr spoke of Chestnut Hill, which is the highest ranked habitat in the State. She stated her belief if the Commission were to seek to purchase that property, she believes that to be the kind of project ARM Funding could be acquired for.

Commissioner Boisvert commented Chestnut Hill is where they were planning on doing development, cleared and stopped. It was suggested that property would be fairly expensive to acquire given the expectation the seller would seek to regain some of the costs involved in that effort. Commissioner Tenhave commented fairly expensive is relative. The Commission paid \$4.2 million for the Horse Hill Nature Preserve (HHNP); saved 500 acres and bought it off of a developer. The developer took the difference between what it was truly worth and what was paid and used that for tax purposes. There may be a compelling argument for the current owner of that parcel to work a deal that way too. He noted the Commission alone does not have sufficient funds to make such a purchase.

#### Open Space

Vice Chair Caron noted the Regional Open Space Team meeting scheduled for Thursday, June 7<sup>th</sup>, at the Milford Town Hall, during which the team would discuss town connectivity with wildlife habitats.

## Scouting

Commissioner Rosati spoke of the request from Jack Elliott to construct a viewing deck at Grater Woods. The last communication she had was dated March 20<sup>th</sup>. Chair Perry stated his understanding the next part of the project is the fundraising effort(s). Commissioner Rosati stated she would reach out for an update.

Commissioner Tenhave questioned if there is concern based on the location. Chair Perry stated the need to ensure everything is done correctly, e.g., parcel is located on school property, managed by the Commission, and for public use. He has spoken with Matt Shevenell, Assistant Superintendent for Business, SAU26, and Tim Thompson, Director, Community Development Department. Both indicated there is no reason for concern.

Commissioner Rosati spoke of receiving a communication from Life Scout Sidhant Dhanaraj, Troop 261, Nashua. He has resided in Merrimack for nearly 10 years and would like to know if there are any projects that he could take on as an Eagle Scout project.

Another request received was from Brigham Parker, Life Scout, Troop 48, Merrimack. Life Scout Parker is working on his Eagle Scout rank and seeking ideas for a project. He stated specific interest in building a structure, e.g., shed, bridge, deck.

A request was also received from Joan Lord. Her Girl Scout troop is working on the bronze award and would like to make walking sticks and set up a walking stick bucket at the entrance to the HHNP so that people can use the sticks while walking the trails.

Commissioner Rosati questioned the protocol to be followed with such requests noting the desire for the response to be uniform. She suggested having a list of projects the Sub-committees have identified. Commissioner Tenhave noted Ms. Wetherbee was asked to put together a projects page for the website; one page for completed projects and another that can be populated with desired projects. That would allow for Scouts to be immediately directed to the pending projects page. That is not in place as of yet. The Sub-committees will have to be asked for input.

Commissioner Rosati questioned if a kiosk at the Sklar property is a project that could be suggested to Life Scout Parker. Commissioner Boisvert commented on it being the early stages of that property.

Commissioner Rosati will refer the Girl Scout troop to Commissioner Glenn and the HHNP Sub-Committee. Chair Perry stated the Commission would want to understand the location and type of structure that would be placed. Commissioner Tenhave stated the need to be mindful of where snowplowing occurs when considering a permanent structure.

Counselor Albert spoke of a Life Scout that appeared before the Town Council with a project for an outdoor eco-classroom at Grater Woods. He questioned if that project has been completed and was informed it has not. Chair Perry remarked the proposed project is a pretty aggressive project, and one the Commission needs to be done.

Chair Perry commented Life Scout Parker's brothers have a history of projects in Grater Woods and surrounding area that are well done. When asked if there is a project that Life Scout Parker could do in Grater Woods, the response was overwhelmingly the Outdoor Classroom.

Commissioner Rosati stated she would reply to Life Scout Parker's email, propose the Outdoor Classroom, and copy Vice Chair Caron as the Liaison to the Grater Woods Sub-committee.

Commissioner Rosati will reach out to Life Scout Dhanaraj.

The Commission discussed the need for maintenance of the Fitness Trail, which was originally a Scout project.

Commissioner Tenhave spoke of an area on the North Loop Trail at Wildcat Falls, which has a steep upgrade. He questioned if there is an adjustment that can be done there. Vice Chair Caron responded they look at that for a while and tried to adjust it. The suggestion was made of stairs or a handrail that could help users up and down in the winter. Councilor Albert commented if you provide a handrail then you have to maintain it. If you don't then there is liability with it.

#### Sklar Waterfront Park

Commissioner Boisvert expressed the Commission's gratitude to Anheuser Busch, the volunteers that came out and the snacks they provided and to the Flying Eagles for the 12 volunteers that came out and for the ATV they provided to allow the clean-up efforts to go deep into the woods. He thanked Mark Twardoski for the use of his backhoe and MET General Contracting.

Chair Perry commented there were over 200 tires taken out of the property, and three loads of trash were taken to the transfer station. There remains a good deal of work to be done.

The Commission expressed its sincerest gratitude to the employees of the Public Works Department who worked on a Saturday to help with the clean-up.

Commissioner Boisvert spoke of the need to look to law enforcement for help with that property. Chair Perry stated Commissioner Boisvert has crafted a letter to be forwarded to the Police Department. He spoke of the no motorized signs the Commission erected on the property noting there are only 1 or 2 remaining. Councilor Albert stated his recollection of a conversation that occurred with the Town Council and remarks regarding individuals who will fight the restriction. He stated his opinion Chief Roy will be responsive to requests.

Commissioner Boisvert commented he was informed by an individual at the property that they don't care what he or any signs relay, until law enforcement says otherwise, they will continue. Commissioner Tenhave spoke of the amount of work that went into grading the road providing easy access.

Councilor Albert suggested taking down a license plate number or some other identifying feature when encountering individual(s) disobeying the rules so that the information can be relayed to the Police Department.

Vice Chair Caron commented the area where the posts were erected, just as you drive into the property, would be a good spot for a kiosk where rules could be posted. That could be a Scouting project. The notice could inform of video surveillance, and the game cameras could be put on the property. Chair Perry noted the Flying Eagles have a camera on their gate. Councilor Albert stated he would be happy to speak with the Town Manager and the Police Chief, as the Liaison for the Commission, and mention the concerns stated. Chair Perry stated the letter Commissioner Boisvert has drafted will be copied to the Town Council, and if Councilor Albert is willing to be the advocate with law enforcement that would be appreciated.

Commissioner Tenhave commented another thing contemplated is the use of Jersey barriers to close off some of the trails that have been created by four-wheel vehicles. That is not the ideal solution to protecting the area.

Commissioner Boisvert suggested a gate that is closed in the evening and a barrier just past that. Some vertical barrier to keep traffic to the boat ramp and the parking area and signage.

Councilor Albert questioned the use of boulders. The Commission is agreeable to that in some locations. However, the topography of the property is such that there are no boulders onsite. Commissioner Rosati stated her belief, over time, with an increase in foot traffic, she would expect a decrease in ATV traffic.

Commissioner Boisvert stated he is waiting to hear back from River Network regarding whether they would be willing to cover the cost of the signs for the property if the verbiage was educational in nature. Commissioner Tenhave suggested it may be worthwhile to work with them on the language before doing anything just to get commitment.

The suggestion was made that some form of written gratitude, e.g., certificate, be provided those who participated in the clean-up day. Commissioners restated the amount of work involved. It was suggested Commissioner Boisvert speak with Becky Thompson, Executive Secretary, Town Manager's Office, as she sends letters to all of the volunteers.

Commissioner Rosati spoke of having learned from the Flying Eagles of their desire for trees to be removed to provide an open area. When they come in for landings they are clipping their wings on the trees. The request is for 50 yards of trees going back (does not have to be wide). She questioned if that is something the Town would be willing to do. Vice Chair Caron noted the area has large Pine trees. Commissioner Tenhave suggested they put together a plan that could be reviewed by the Commission. Councilor Albert suggested the organization tag and photograph the trees they wish to be removed so that the photos could be shared with the Commission. Commissioner Boisvert will follow-up.

## OTHER BUSINESS

- Sub-committee Updates

Grater Woods

Vice Chair Caron spoke of a Trail Day scheduled for June 30<sup>th</sup>, beginning at 8:30 a.m., to clean up the road down from Conservation Drive. Between Conservation Drive and the Red Maple Trail there remains silt fencing, which will be removed.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . May 21, 2018

*The following amendments were offered:*

Page 2, Line 44; insert “million” following “\$4.7”

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

**MOTION SECONDED BY VICE CHAIR CARON**

**MOTION CARRIED**

**6-0-1**

*Councilor Albert Abstained*

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Glenn commented a volunteer who participated in the Sklar clean-up has indicated an interest in joining the Commission. She will likely attend the next meeting.

Commissioner Tenhave requested the agenda for the Commission’s next meeting include discussion of the updates for Chapter 111; specifically, the list of conservation properties. He stated he would have the full list and his recommendations for pairing it down to members of the Commission by the end of the following weekend. The goal is for the Commission to settle on a list so that it can be provided to Town staff for review and feedback prior to presenting it to the Town Council.

Councilor Albert spoke of the Town Council’s discussion of the proposed path coming down from Watson Park, under the Chamberlain Bridge, in the hopes of eventually connecting over to Wildcat Falls and the footbridge by Merrill Marauders Bridge. That is the current topic as far as the parks, land, and developing some of the hiking/biking trails.

Commissioner Rosati stated the Wildcat Falls Sub-committee commented on the increased level of interest, the parking lot getting full quickly and the spillover parking that is occurring on Currier. What will address that is available parking at Watson Park and the High School.

Commissioner Rosati commented on a Stay-in-Touch form that was received on May 12<sup>th</sup> from Elliott Halom. He indicated interest in Grater Woods; helping with trail maintenance, would like to work on the Outdoor Classroom, has trail markers he could donate as well as bird houses and a bat house. Vice Chair Caron will follow-up.

Commissioner Boisvert commented on how pleased he is with the last batch of photos that were sent to Wetherbee Creative. The photos were submitted by Molly Jacobson who is the creator of the insect brochure done for the HHNP.

ADJOURNMENT

**MOTION BY COMMISSIONER GLENN TO ADJOURN  
MOTION SECONDED BY VICE CHAIR CARON  
MOTION CARRIED  
7-0-0**

*The June 4, 2018 meeting of the Merrimack Conservation Commission was adjourned at 8:19 p.m.*

Submitted by Dawn MacMillan