



# Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## MERRIMACK CONSERVATION COMMISSION

JUNE 5, 2017

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, June 5, 2017 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chairman  
Michael Boisvert  
Tim Tenhave, Alternate Member  
Gina Rosati, Alternate Member  
Councilor Jackie Flood

Members of the Commission Absent: Cynthia Glenn

Also in Attendance: Jason Lopez, Keach-Nordstrom Associates  
Anthony Halvatzes, New Hampshire Hydraulics, Inc./TAMYJ, Inc.

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PUBLIC COMMENT - None

APPOINTMENTS - None

### STATUTORY/ADVISORY BUSINESS

- 1. KNA Associates, Inc. and New Hampshire Hydraulics, Inc. (applicants) and TAMYJ, Inc. (owner) –**  
Review for recommendation to the Planning Board of a Site Plan for a 9,600 square foot warehouse addition and associated site improvements. The parcels are located at 3 Columbia Circle in the I-1 (Industrial), R (Residential), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-3, Lots 025 & 026.

Jason Lopez, Keach-Nordstrom Associates, stated the two properties are currently separated; Lot 25 consisting of 1.6 acres and Lot 26 approx. 1.7 acres; each with 200' of frontage. There is an existing structure (10,200 sq. ft.), which New Hampshire Hydraulics, Inc. operates out of. In the rear of the building is a paved area and storage racks. The business services all things hydraulic, e.g., pumps, motors, cylinders, etc. They have a pick-up and delivery service; will go to a site and remove parts requiring maintenance or repair. The building houses the service shop, office, and internal storage. With a growing business, there is the need for more site organization (work flow/work path) and storage.

The project was before the Commission and Planning Board in 2000. A Variance and Site Plan were conditionally approved, but never brought to fruition to obtain final signatures on plans. At that time, the desire was for an addition on the side of the building (approx. 18,100 sq. ft.) with associated parking and amenities.

Mr. Lopez noted the property is located within the Aquifer Conservation and Elderly Housing Overlay Districts. The site is tied into municipal water and sewer. Lot 25 has been cleared and consists of compacted gravel, storage, paved area (outdoor racking). Runoff from that area sheets out back into an existing oil/grit separator system. All stormwater will pass through that and into an infiltration pond in the back corner. A small portion of the site (front) runs off into a few catch basins in the roadway.

During the 2000 approval process, there was a spill prevention control and counter-measure plan put together for the property. It was formalized and has been utilized since that time. That plan is being referenced on the new

plan set to indicate it will continue to be utilized. The need to ensure the spill kits are all operational and ready for use is depicted on the plan.

There is existing impervious surface, which will need to be removed, e.g., concrete pads on the side of the building and a portion of the existing pavement in the rear. No changes other than striping are proposed for the area in the front of the building. All changes will appear in areas that sheet flow to the back corner of the property.

Proposed for the existing building is a 9,600 sq. ft. addition on the end. The existing paved area would be expanded in the back of the addition. Work flow is one of the biggest issues on the site. Equipment comes in, needs to be maintained, and then leave the site. Currently with limited space, disorganization can occur. The desire is to perfect the workflow pattern, which would improve both site aesthetics and organization of product coming in and out.

The area in the rear will continue as packed gravel and a grass strip will be introduced along with expanded stormwater drainage.

A variance will be requested; looking to match the front line of the existing building, which will require the addition to be 1.5' or so over the setback. The existing structure was constructed when 30' setbacks were required.

The roof will sheet to the front towards Columbia Circle and to the back to the paved area. The grade slopes down off Columbia Circle towards the building. A swale will be introduced with yard drains to capture runoff into a closed system. A catch basin will be installed at the corner of the building and roof drain to avoid runoff towards the entrance. Runoff will be caught with a catch basin going to another catch basin, and outlet to a grass swale before entering a headwall, closed pipe, and an infiltration basin.

Along the edge of pavement, sloped bituminous curbing will be installed to keep the work zone separated from the offsite flow. The current design has runoff sheeting off the hill across the gravel, through the oil/grit separator and out into the pond. The pond is a lot smaller and the oil/grit has taken a lot of extra flow. It was believed wise to introduce the swale and create a sloped berm to separate the water coming off the hill (clean) and run it into the infiltration pond (keep water from pavement from running into the swale). The area of the work zone will be isolated and captured, sheeted back into the swale to force it back to the oil/grit separator, which minimizes the amount of flow heading into that system, reduces the turbulence, reduces pass-through, and helps with cleaning/separation of oils and grits. There is a maintenance plan on the existing system.

The plan results in a slight increase to impervious surface. To gain additional storage in the detention/infiltration pond, it would be upsized (approx. 1.5 times its current size). The plan calls for lining the bottom of the pond with woodchips, which can be easily maintained.

Landscaping will occur across the frontage, which matches the 2000 approved plan. Increased grass space will be placed to the rear near the pond.

The project includes an erosion/sediment control plan. The project disturbs over an acre, which requires filing of a Notice of Intent and for a Stormwater Prevention/Pollution Plan to be in place during construction. The project is under the threshold for an Alteration of Terrain (AoT).

Commissioner Tenhave noted Sheet 5 includes a plant list, which will have to be re-evaluated. It includes invasive species that are no longer allowed to be planted, e.g., Burning Bush, Norway Maple, etc. The Commission recommends utilizing the best array of native planting. Mr. Lopez responded he had simply incorporated the plantings identified in the 2000 plan, and would have the in-house landscape architect review the list. It was noted the plan references baled hay where straw bales are recommended.

Chairman Perry noted the plan does not reference fertilizer. Mr. Lopez responded they have not yet identified that. Chairman Perry stated, as the property is in the Aquifer Protection District, the Commission's preference is use of low-phosphate, slow release nitrogen fertilizer, if fertilizer is necessary. Commissioner Rosati commented on the reference to a 25% wildflower mix, which includes invasive species.

When asked for clarification of the need for the oil/grit separator, Mr. Lopez explained the company maintains and repairs hydraulic equipment, which results in the presence of oils and other fluids. Were a spill to occur, oils would be mixed with stormwater runoff into the pond. The spill prevention plan provides a procedure that must be

followed in cleaning of a spill. There is the potential for residue to be carried in stormwater. The introduction of the grass strip will be helpful in filtering, evaporation can help, and the water is captured into a swale and put into a catch basin. Were the oil filled water to make its way into the structure, it is designed with a deep sump; oils will attach themselves to particles, sands, wood chips, etc. What is intended is to put a sump in the catch basin to capture the sediments that could have oil attached to it, and any floating oil. There is a special cover over the outlet pipe. When oil enters water it rises to the top. The oil will float at the top in the structure and the cover placed on the outlet of the pipe will prevent the oil from going out into the detention pond. The Maintenance Program calls for a company to come onsite and suck that material out to pull the oil out. They also float logs (large pads that will soak up oil) down in the structure to absorb oil.

Commissioner Tenhave stated he is pleased with the separation of the two areas of runoff.

## **2. Eagle Scout Project**

Mason Landry, Troop 401, presenting his project to rebuild the benches for the Grater Woods Outdoor Classroom.

Chairman Perry noted Scout Landry was not in attendance. He informed the Commission that Scout Landry attended the last meeting of the Grater Woods Sub-Committee, and provided members with information on his Eagle Scout project; to rebuild the Outdoor Classroom. He commented on the age and condition of the existing site, and stated his opinion the plan that was presented was met with a lot of happiness on the part of the Sub-Committee.

Commissioner Tenhave questioned if the scout has sought feedback from the School District. Chairman Perry was uncertain. He noted the scout has been working with Nat Fairbanks, Vice Chairman, Grater Woods Sub-Committee. Councilor Flood commented on having visited the site recently, and noted the poor condition.

Chairman Perry noted the scout is in possession of photos of the original configuration. Chairman Perry will follow up with Mr. Fairbanks to ascertain when the Commission can anticipate receiving the presentation.

## **3. Discuss and decide on the route of the Horse Hill Nature Preserve (HHNP) Summit Trail**

Chairman Perry remarked there is a section of the Summit Trail (old logging road) that goes straight up the hill to the summit. It is badly eroded and washing silts, etc. down into the trail and leaf litter on the east side.

Two trail options that bypass that lower section have been marked for some time to allow for review of the proposed trail options. From the existing trail, there are options to the west and the east. Chairman Perry stated both have been walked by a number of people, a professional Wildlife Ecologist has looked at both, and the time has come to make a decision on a trail.

The Master Plan for the HHNP specifies that the trail is a multi-use trail. Unfortunately, with the rise and run of the trail, for it to be a multi-use trail, the required amount of space simply does not exist in that location. He stated his belief finding another path for multi-use may require changing some of the designations for some of the other trails, but he would view that as a better way to proceed.

Photos of the two trail options were projected for viewing. The location of the Heron Rookery was identified. It was noted there is a portion of the existing trail that is not compromised. The question was which of the proposed options designed to avoid the compromised area would be considered more advantageous. Commissioner Rosati questioned if the concern was the need to stay more than 300' feet from the Heron Rookery. Chairman Perry noted either trail would be in excess of 600' away.

It was noted snow mobiles are permitted on the trails during winter months, which does not impact the Herons. The trail is intended to be closed during nesting season. Chairman Perry noted neither trail option is large enough to support snow mobiles. The climb from where the trails intersect to the top of that trail is so steep the amount of space that would be needed to have a turn flat enough to support a snowmobile he does not believe exists. Chairman Perry reiterated Jeff Littleton, Moosewood Ecological, visited both trails and did not feel the western trail would add any additional impact to whatever human pressure is already there, and said the same is true of the eastern side. In terms of impact to the Heron Rookery, he does not feel there is any. His only comment regarding the trail to the east was that it is a little wetter, and during certain times of year or if the trail gets a lot of use, there may be the need to bridge some areas.

Chairman Perry remarked the vote encompasses a few different decisions; physical trail location and the designation of multi-use. He suggested the discussion should begin with the HHNP Sub-Committee to determine if they can identify a path to get another multi-use trail to that point. Commissioner Boisvert questioned if a path for snow mobiles is a requirement. Chairman Perry responded it is in the Master Plan, which is a document the Commission should strive to adhere to. Commissioner Tenhave remarked the issue going north to south is because Rocky Trail is so rocky and unusable. It is the only trail in the middle of the property that will take you north to south. That trail is important by section at least on that side of Long Pond. On the opposite side (west) of Long Pond there are trail systems. When asked, Chairman Perry explained multi-use specifies horses, snow mobiles, etc. No motorized per se, e.g., no ATV traffic. Snow mobiles are granted a certain leniency because typically they are on the snow not on the ground, and therefore are not really impacting the surface. Councilor Flood questioned, and was informed there are other trails within Grater Woods that allow motorized use. Commissioner Rosati commented, at the last meeting, Commissioner Glenn indicated not every member of the HHNP Sub-Committee has had the opportunity to walk the proposed trails and provide feedback. Chairman Perry noted the Commission has been discussing this issue for more than a year.

Commissioner Boisvert questioned if the western trail would be higher and drier, and was informed that is the case.

Commissioner Tenhave noted the Sub-Committee asked for the trail marked in yellow. Chairman Perry stated it has been discussed, and everyone has been pleased with the section that is not compromised. Commissioner Tenhave questioned where the trail marked in yellow and the alternative would join. The area was highlighted on the map that was displayed. Commissioner Boisvert commented if the western trail were built the compromised section of the existing trail would be bypassed and closed.

Commissioner Tenhave spoke of having spent a few hours in the area, and stated agreement the eastern side is certainly wet; there are signs of wetlands, e.g., stained leaves, etc. He stated agreement the trail proposed closer to Long Pond gets users out of the area of wet. His concern, however, is the multi-use aspect. If looking at combining the two philosophies and going to the high/west side of the existing trail, he believes it a good alternative, but would like the Commission to look at the exact placement to try and accommodate as many uses as possible. He suggested the trail may need to be shifted a few feet one way or another to provide the width that would be required to support something a little wider than a bicycle or a single person walking through the trail. He remarked the hope when the Master Plan and Definitive Plan were done was to keep that as wide as possible to support multi-use because Rocky Trail was bad then, and is worse now, and it is the only trail that goes north to south through there.

Commissioner Rosati questioned the reasoning behind the Sub-Committee's preference for the easterly trail. Chairman Perry responded with his belief that is a discussion the Sub-Committee may rehash as the vote that was taken was not unanimous and not without some contention.

When asked, Chairman Perry stated his agreement with the remarks made by Commissioner Tenhave. However, although concerned about the multi-use aspect, having walked the trail, it is very steep, and you will not be able to make long sweeping turns on a steep incline like that.

**MOTION BY COMMISSIONER ROSATI THAT THE COMMISSION APPROVE THE WESTERN TRAIL SECTION AS A MEANS OF ADDRESSING THE CONCERNS RELATED TO WATER, STEEPNESS AND EROSION ON THE SUMMIT TRAIL**  
**MOTION SECONDED BY COMMISSIONER BOISVERT**

ON THE QUESTION

Commissioner Tenhave noted what was being discussed was a section of the trail being re-routed that will then re-join the proposed trail marked in yellow to eliminate the concerns relative to water, steepness, and erosion. Chairman Perry noted the entire trail would be re-routed. Commissioner Tenhave commented the intent would be to combine the best of both proposed trails.

Chairman Perry noted the start of the trail has an area of wetness that requires addressing. The multi-use trail is something that has to be kept in mind when the trail is laid out.

**MOTION CARRIED**

**6-0-0**

OLD BUSINESS - None

NEW BUSINESS - None

OTHER BUSINESS

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

- Nashua Regional Planning Commission (NRPC) Maps

Commissioner Tenhave spoke of the email received from the NRPC informing the Commission the maps are complete. He questioned if members have had the opportunity to review the maps. He commented if the Commission is pleased with the final product, the maps will be posted to the website, and there will be the need to begin printing copies to be placed at the various kiosks, etc.

Chairman Perry spoke of his experience with a local company, and stated a willingness to reach out and question the cost of printing, cutting, and folding so that the copies arrive ready for distribution. It was suggested that price points for various quantities be requested.

Chairman Tenhave commented, in addition to the PDFs there are TIFs, which are printable, and could be placed in the kiosks. He requested quotes be requested for kiosk size maps. There are also the publisher versions, which allow the Commission to change the wording in the brochure over time.

Vice Chairman Caron commented each property has a number of different sized kiosks if having a kiosk at all. Commissioner Tenhave suggested existing kiosks be measured, and that the information be provided for the Commission's next meeting. He noted there would be a desire for some sort of protection, e.g., lamination. Both Commissioner Tenhave and Commissioner Rosati volunteered to gather the information (amount of available space on the kiosk), and take photos.

- MerrimackOutdoors.org Website

Commissioner Tenhave spoke of the quarterly contract with Wetherbee Creative. Ms. Wetherbee was asked to create basic pages for the sub-committees. That work has been completed. The material she was provided is dated. However, the idea was to establish a page where the sub-committee could identify their goals, planned events for 2017, etc. If that information is provided it can be added to the page. He suggested each of the sub-committees be made aware of the creation of the pages, and asked what they would like to see included on them.

For properties that do not currently have sub-committees, pages will be created to include a statement that information is forthcoming, looking to identify individuals interested in serving (full-time members must be residents/alternate members need not be), etc.

Commissioner Tenhave noted Ms. Wetherbee has started putting together a photo gallery. Photos received by the Commission can now be placed in the gallery. The suggestion was made that email addresses connected to the sub-committee pages be generic.

- Invasive Work – Gilmore Hill

Commissioner Tenhave spoke of invasive work to be done on Gilmore Hill on Tuesday, June 20<sup>th</sup> during the day. Additional details will be provided. Commissioners wishing to participate should make that desire known.

- Bridge Work – Grater Woods

Chairman Perry noted the third and last saddle of the bridge work in the area of the Outdoor Classroom has gone up. A plan is in place to construct the bridge. The project has grown in size; will need 40' of catwalk just to get across the marsh. There has been a lot of blowdown in the area resulting in the main trail being closed. There is a good alternative, but either requires the construction of a boardwalk to cross given the amount of water coming out of that trail.

- Madison Drive

Chairman Perry stated the beaver situation at Madison Drive continues. He spoke of having visited the area with the Director of the Public Works Department (PWD) and that they removed some dams to allow water to flow. After only 4-5 days the water is back up over 1'. There is the need to find another solution. There is no area for placement of a pipe; with every dam that is removed another is built in another location. Although the desire is not to trap, that appears to be the cycle, and perhaps that is what will need to continue; deal with it for 3-4 years then trap. Commissioner Tenhave stated the desire for the Town to manage that activity this time around.

- Sub-Committee updates

Vice Chairman Caron stated his belief the logging activity has completed at the end of the donut hole property that touches Grater Woods near the property border and the trail called Skyline. There was a trail that had become a near waterway, which the Commission closed with the help of the PWD contractors who also helped with the closing of the target shooting area. That entire area has since been cut, and a new trail (ATV) exists connecting to a trail that picks up on Commission property, and continues on into that very wet area across from the View Trail and the Barred Owl Wildlife Opening. He questioned if that is an appropriate area for a gate or if the desire would be to start with signage.

Chairman Perry remarked signage has not been successful; individuals stand on their ATVs and rip the signs off the trees. That area has been blocked off many times to no avail. Now there is a logging road going through it. He stated his belief putting a gate on it would indicate at some point in time it would be re-opened. He suggested placement of boulders. Commissioner Tenhave suggested the PWD Director be asked if a crew could be sent to the area (South Grater Road) to block it. Vice Chairman Caron commented, there is quite a bit of work to be done in the area. The gate was damaged and the lock box was removed. It is unknown if that had anything to do with the logging activity. Several of the single track/non-motorized trails have had motorized use.

Chairman Perry noted the Commission has been specifically asked, when such activity is noted, to take photos and submit it to the Town so that it can be tracked. Councilor Flood stated her belief the Police are reluctant to patrol these trouble areas as it takes an officer off of regular duty, and were a call to come in the officer would be deep in the woods patrolling. This was discussed at the Town Council Retreat. The Council is going to consider an additional patrolman. Commissioner Tenhave commented ideally there would be a police presence. He noted two years ago the Commission funded police patrols for the season at a cost of thousands of dollars. The results were mixed as the patrols were too few and far between. He added there are ATV riders that are all over the Amherst conservation land. Although their ordinances prohibit that, it is not enforced. Those individuals continue on into Grater Woods. It was noted there are private residents who have periodically put cameras up, and turned photos over to the Commission. That information is then delivered to the Police. However, no results have been seen.

Commissioner Tenhave commented if the Town/Commission were to be diligent about it and take a strong attitude about this behavior, word would get out and it would stop. The Commission is not seeing the Town or Police Department actively participating in this effort. Councilor Flood suggested the issue be placed on a future agenda for the Town Council. Commissioner Tenhave commented a few weeks ago the Commission had the opportunity to bring this issue up with Captain Dudash, and he seemed to be willing to look into it. He needs to be given the data. When asked, Commissioner Tenhave suggested it would be best to address the issue at a Town Council meeting so that that body could make a policy decision. Councilor Flood stated she would speak with the Town Manager and Chairman of the Town Council.

- Bicycle Demo Days – 20 June and 25 June, two bike companies are hosting demos in the HHNP Amherst Rd. parking lot.

Vice Chairman Caron stated two bike companies have approached him to facilitate a bike demo. It is an event open to the public where individuals would have the opportunity to ride demo bikes. They need a location for the event, and approached him about the HHNP because of the wonderful new parking lot and quick access to trails. The way it has been done in the past is the companies put paper arrows on trees in a loop and typically try to keep a loop in mostly the single track trails; Blodgett Hill Bypass Trail, down Outer Ledges Trail, and back around on Loop Trail. They set the truck up for 3-4 hours in the back left part of the lot. There are no rain dates. On Tuesday the 20<sup>th</sup>, the event would begin at 4:00 p.m. and run until just before dark, and on Sunday the 25<sup>th</sup>, the plan is to set up at 7:00 a.m. and likely have a lunch time cookout in the parking lot to wrap up the event.

Commissioner Tenhave stated he has no concern providing this is not a Commission sponsored event as that would open up all kinds of issues.

Vice Chairman Caron commented typically the companies send bike shop employees to the event and pay them their hourly wage for their time. In addition the Commission typically gets the same number of hours in trail work out of the employees at a future date.

Vice Chairman Caron stated he would notify the Sub-Committee of the dates/events.

#### PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . May 15, 2017

*The following amendments were offered:*

Page 1, Line 46; replace "member" with "Commissioner"  
Page 2, Line 1; insert "Brian" before "Keane"  
Page 2, Line 16; correct "per se"  
Page 2, Line 19; add "building" after "entirety of the"  
Page 3, Line 11; replace "resulted" with "results"  
Page 4, Line 32; the vote should read "6-0-0"  
Page 4, Line 39; replace ", e.g." with "and"

**MOTION BY COMMISSIONER ROSATI TO ACCEPT AS AMENDED  
MOTION SECONDED BY COMMISSIONER TENHAVE  
MOTION CARRIED  
7-0-1**

*Chairman Caron Abstained*

PUBLIC COMMENT - None

#### COMMISSIONER COMMENTS

Commissioner Rosati commented on her belief there is a Heron nest in the area of the bog off of Continental Boulevard by Tinker Road. She spoke of having seen a Heron fly into a tree and hang there.

Commissioner Tenhave spoke of the amount of water moving around in the HHNP.

Commissioner Boisvert spoke of having seen a River Otter.

#### ADJOURNMENT

**MOTION BY VICE CHAIRMAN CARON TO ADJOURN  
MOTION SECONDED BY COMMISSIONER BOISVERT  
MOTION CARRIED  
6-0-0**

*The June 5, 2017 meeting of the Merrimack Conservation Commission was adjourned at 8:40 p.m.*

Submitted by Dawn MacMillan