



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

MAY 1, 2017

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, May 1, 2017 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

Members of the Commission Present: Michael Boisvert
Cynthia Glenn
Tim Tenhave, Alternate Member
Gina Rosati, Alternate Member

Members of the Commission Absent: Matt Caron, Vice Chairman

Also in Attendance: William Davidson, Hoyle Tanner & Associates, Inc.
Tom Zajac, Hayner/Swanson, Inc.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

- 1. Hoyle Tanner & Associates, Inc. (applicant) and Apple Development Limited Partnership (owner)** - Review for recommendation to the Planning Board of a Site Plan for the renovation of an existing retail shopping plaza, including the addition of 4,650 square feet of new restaurant space. The parcel is located at 360 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Planned Residential Development Overlay and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 001.

William Davidson, Hoyle Tanner & Associates, Inc., stated the project is located at the former Shaw's site on D.W. Highway. The building itself will remain the same with the exception of updating of the façade. There will be two building pad sites, both closer to the road. One will be a 600 sq. ft. coffee shop, and the other an approx. 4,000 sq. ft. restaurant.

The site will be reclaimed and new pavement put down (existing is 30± years old). New lighting will be put in.

Mr. Davidson spoke of the green space on the property noting there is a fair amount proposed in comparison to what existed previously. He highlighted a section between the facility and the highway, which would be landscaped, loamed, and seeded.

Addressing drainage, Mr. Davidson noted the majority of the site drains to the road, there is curbing that goes along D.W. Highway, and a series of catch basins that are not completely on the curb line. Over the years, little slots have been cut in it to allow the drainage to go into the swale, etc. The intent is to put curbing all the way around, catch the runoff in deep sump catch basins (4' sump), which will allow sediment to build up in the catch basins. Some of the drainage will outlet to existing closed drainage. He noted another area where drainage would be captured and put into a storm chamber system that will allow for infiltration into the ground.

Mr. Davidson remarked there are two ways in which treatment is provided; through deep sump catch basins removing sediment and debris from drainage, and the storm chamber system, which has an isolator row. He explained whichever way the drainage comes into the storm chamber system the water will go through an isolator row, which is wrapped with fabric so that any sediment or debris that enters will be caught in that isolator row. That is designed for the first flush (size of chamber system and volume coming into it). Debris is caught in there so that it doesn't go into and clog the rest of the system. The drain manholes allow water to spill over and get into the rest of the chamber system.

Mr. Davidson noted a test pit was dug (120" down), which showed all sand and no sign of seasonal high water table.

The plan includes notes related to maintenance schedule and procedure. Inspection should occur after every major storm, and at a bare minimum, twice a year (spring/fall). Each one of the chamber systems (every 6 chambers) has an inspection port; cast iron plate in the parking lot that can be removed to allow for a visual inspection of the chamber system.

When asked if stormwater coming off the building would be captured and pushed into the stormwater system, Mr. Davidson stated there would be roof drains to get that to the system (at least the larger structure).

Chairman Perry questioned if the planting list is complete, and was informed it is. Chairman Perry spoke of the Commission's desire to ensure all plantings are native.

Commissioner Tenhave noted the legend on Sheet 2 lists hay bales although elsewhere in the plan straw bales are identified.

It was noted on Sheet C-10, under section b, there are a few areas where fertilizers are mentioned. Note 2(b) under Vegetative Measures, indicates, if all else fails, use 10/10/10. Commissioner Tenhave questioned if that is intended to be for temporary seeding, and was informed it is. The Commission's preference is 10/0/10 given the proximity to the Horseshoe Pond, which has had a large problem with red plumes that basically come from the Phosphorous in fertilizer. He commented as it is temporary seeding all of the systems intended to capture runoff may not be in place at the time the seeding is done. Commissioner Tenhave commented he appreciates the note under 3(b) regarding the testing of soils; however, that area also notes 10/20/20, and the Commission would like to see the Phosphorous removed from that.

When asked how the drainage on the back side of the building would be addressed, Mr. Davidson stated the drainage in that area will remain the same. There are catch basins and a small ditch that comes along the back and out through the entrance. The only thing they will be doing on the back is crack sealing and seal coating. When asked if a path would be created to the proposed sign near the highway, Mr. Davidson stated they would need equipment to get up there, but once that is completed he does not believe there would be a maintained path for that. Commissioner Tenhave noted, due to the slopes there could become an erosion issue.

Chairman Perry questioned if there is an area designated for snow storage. Mr. Davidson stated there to be snow storage identified on the site plan. Typically, during bad winters, shopping centers designate a corner of the parking lot for snow storage.

2. **Forma Beyond Wood, Inc. (applicant) and N&P Associates Realty Trust (owner)** – Review for recommendation to the Planning Board of a Waiver of Full Site Plan for a manufacturing and warehousing business. The parcel is located at 20 Star Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-1, Lot 012.

Chairman Perry noted the item would not be addressed at this time.

3. **Stanley Elevator Co., Inc. and Hayner/Swanson, Inc. (applicants) and 9 Henry Clay Drive, LLC (owner)** – Review for recommendation to the Planning Board of a Site Plan for a 1-story, 9,800 square foot warehouse expansion and associated site improvements. The parcel is located at 9 Henry Clay Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 041-2.

Tom Zajac, Hayner/Swanson, Inc., stated the project is on the existing Stanley Elevator site located at 9 Henry Clay Drive, Map 2D/Lot 041-2. The property is abutted by existing commercial office buildings to the north and south, Manchester Street and existing commercial uses to the west, and Henry Clay Drive, existing commercial uses, and the YMCA to the east.

The property is currently developed as was approved in the 1998 site plan; one-story, approx. 25,000' office/warehouse building on site, customer/employee parking is located in the east part of the site (front along Henry Clay Drive). There are some existing loading areas to the north side of the building. The plan identifies a small wetland located along Henry Clay Drive near the site entrance. This was designed and permitted as a stormwater basin to service onsite drainage. There is a headwall outlet that goes into the public drainage system and continues north on Henry Clay Drive. The westerly portion of the property along Manchester Street is undeveloped and wooded.

The site is serviced by public sewer, water by Pennichuck Waterworks, underground gas, telephone and electric utilities.

Stanley Elevator installs, repairs and maintains elevators. They currently rent offsite warehouse space. Proposed is a one-story, approx. 10,000 sq. ft. addition to consolidate warehouse space at this one location.

There is associated parking, loading, and site improvements towards the back of the site. The project does not propose any disturbance to the front of the site, existing driveways, or wetland. There will be a ledge cut along the southwesterly side of the building addition. The project's Geotechnical Engineer is currently doing borings onsite. Based on what was found during the original project, there will be a cut along the southerly property line.

In terms of stormwater, being proposed is to capture runoff from new pavement and building rooftop areas and pipe it into the existing stormwater system, which will go into the wetland basin in the front of the site. The outlet of the basin will be retrofitted to increase its detention capabilities. The existing 15" outlet that kicks into the road system will be choked down to a 6" outlet, which essentially allows that basin to have a greater detention capability. It will reduce peak flows leaving the site.

The master plan sheet includes salt and fertilizer use notes consistent with the Commission's preferences.

Commissioner Boisvert questioned, and was informed there is site capacity for the larger overflow that will result from the change to a 6" outlet. Mr. Zajac noted a full stormwater report was submitted as part of the project, and shows a pretty significant reduction in peak flows leaving the site.

When asked if blasting would occur, Mr. Zajac stated the Geotechnical report is expected shortly, and will provide recommendations for blasting, earthwork, etc.

Commissioner Tenhave commented the existing wetland is, in essence, a detention pond. Typically on a project with plans that were done in this time period ('98), the Commission would ask that they be re-designated. However, he suspects where this area has all been parking lots and roadways that that wetland has not changed its shape. Mr. Zajac stated they did go out and reflag it. What is shown is the current delineation. Over the last 20± years of the parking lot and areas dumping into there, it is essentially the same.

When asked, Mr. Zajac stated intended for the back would be loam and seed; no proposed planting.

OLD BUSINESS

1. The Wasserman Extension Property & Permitted Activities

Commissioner Tenhave remarked after the Commission's review of the Deed, he came to realize comments and restrictions associated with the property were identified behind the signature pages on the

Deed. A copy of the Deed for all of the parcels that make up the extension area of 20+ acres was provided with the agenda packet. The property was turned over to the Commission in 2011.

Exhibit A identifies what is prohibited or limited in scope. It is very similar to most of the other Commission properties. It is a template that was created by the former chairman Powell, and is one that is a good viable template. There are a few areas that are slightly different than what is identified for the Wasserman Conservation Area. The desire is for both properties to have the same rules.

Item #7 on page 6 states "no snowmobiles, all-terrain vehicles, off-highway vehicles, motorized vehicles of any kind". Commissioner Tenhave stated he would consider motorized vehicles of any kind to include Ebikes and anything else that comes with a motor. One of the differences between the two deeds is language with respect to hunting. The extension property Deed does not speak to the discharge of firearms, target shooting or hunting. The Commission, by its decree, has stated that all Conservation property prohibits target shooting.

The Wasserman Conservation Deed, page 3, letter H, specifically states no hunting or trapping will be done or permitted on the property unless necessitated by reasons of wildlife management, preservation of conservation practices consistent with the intent to purpose these restrictions and covenants. Then it gets into no building of fires to be permitted on the property.

Chairman Perry commented he is in favor of prohibiting hunting and trapping, but is hesitant to prohibit fires given the Commission has been queried about permitting camping on sites. The Parks and Recreation Department is considering the possibility of expanding their cabin area back to a camping site. Commissioner Tenhave noted fires cannot take place in the Wasserman Conservation area so campers would have to travel a good distance to have a fire. He noted the Commission has the opportunity to grant exceptions to the rule if so desired.

Chairman Perry questioned if the desire was to exclude the items through rules or add the language to the Deed, which would not allow for granting of exceptions. Commissioner Tenhave stated his belief more prudent than touching every deed of every parcel would be the updating of Chapter 111 of the Town Ordinance, which would provide enforceability that involves a violation.

When asked, Commissioner Tenhave noted all ordinances are supposed to be reviewed every 5 years, and the 5 years are up.

**MOTION BY COMMISSIONER TENHAVE THAT THE PARCELS COVERED BY THE DEED
IDENTIFIED AS BOOK 8325/PAGE 2, PROHIBIT HUNTING, TRAPPING, AND FIRES
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
5-0-0**

Commissioner Tenhave commented he had not included in the motion the creation of signs, etc. The Commission has not adequately signed all of the other parcels, and he does not believe it is the desire of the Commission to start putting signs up every 50'. If it is found that there is unwanted behavior the Commission could educate the police and individual(s) responsible for the unwanted behavior.

2. Nashua Regional Planning Commission (NRPC) Maps – Wildcat Falls Trail Descriptions

Commissioner Tenhave spoke of having provided trail descriptions for the Wildcat Falls parcel, and noted Ryan Friedman, Sr. GIS Planner, NRPC, was asked to check the space requirements. The response was that there is more white space available should the Commission/Sub-Committee wish to fill it. The Sub-Committee has reviewed the wording to ensure it captures all that is desired.

Commissioner Tenhave commented attempts were made to keep the descriptions in line with what was done for other parcels, e.g., features of the trail and what to expect if using the trail.

The Sub-Committee noticed the location of one of the benches is incorrect. Commissioner Tenhave spoke of two lettered markers that he believes to be installed in the wrong place. Andrew Duane visited the property, and noticed some of the other intersection markers are gone. He questioned if the intersection markers should be removed from the map or if the Commission would prefer to request the

Sub-Committee replace the markers and leave their identification on the map knowing that eventually they will be marked properly.

Chairman Perry commented every property has its own way of marking. He questioned if a move should be made to trail junction names such as is done at Grater Woods. Commissioner Tenhave stated the preference of the Sub-Committee to be to simply remove the markers that are up, leaving the site as natural as can be. The map does not need to depict those. Chairman Perry commented eventually posts would be put in.

The consensus of the Commission was to remove the existing markers, and update the trail descriptions accordingly.

Commissioner Tenhave noted the map identifies distances for some of the trails but not the connector trails. The connector trails will be added and the box moved to another area of the map that will accommodate its growth. ***The Commission agreed.***

Mr. Friedman had already agreed that he would draw in a road that comes into the parking lot to show the connection. The detention pond (by the parking lot) is missing, and will be added.

Commissioner Tenhave stated the Sub-Committee would like to see a note, under Notices, that states "There are other unmaintained trails on the property. These may have erosion or other issues. Please refrain from using them." He stated his belief Vice Chairman Caron is of the opinion a similar note should be on all of the maps. ***The Commission agreed.***

Commissioner Tenhave stated he was uncertain there is sufficient available space on all of the maps to add such language, but that he would pass the request along.

Commissioner Tenhave displayed a photo being considered for the website noting the Sub-Committee was unhappy that the photo showed yellow water. The intent had been for a photo taken during the spring so that the website has photos of all four seasons. The Sub-Committee has suggested use of another photo. The other available photo is not the most ideal. He questioned if the Commission wished to manage the submission all the way down to the photos or allow the Sub-Committee to make that decision. ***The Commission agreed the Sub-Committee could make that decision.***

Chairman Perry's one request was that the chosen photo(s) depict the falls.

Commissioner Tenhave spoke of an email received from Sara Siskavich, GIS Manager, NRPC, informing of the creation of a drop-box. That information will be forwarded by Chairman Perry. Through that, the Commission can begin reviewing the collection of documents to indicate the project as complete. The GPX files, etc. will be available to try out to ensure their usability.

NEW BUSINESS

Commissioner Rosati informed the Commission she would be meeting with Paul Micali, Assistant Town Manager/Finance Director, the following day to discuss the creation of Friends of the Merrimack Conservation Commission. When asked if that is an official name, Commissioner Rosati stated it is not. Chairman Perry stated his only reservation to be whether the group truly wishes to associate itself with the Commission, e.g., perhaps they wish to be the Friends of Merrimack Conservation. There may be times when the two entities are not in agreement on a particular matter.

When the subject of emails from individuals expressing a desire to volunteer came up, Chairman Perry stated he would be responding to those, and would copy the Commission on his replies.

OTHER BUSINESS

- Vernal Pool Party

Chairman Perry stated the event was enjoyable. The turnout was not as great as had been hoped. The event was advertised in a few social platforms and was in local newsprint. It was noted the event took place during school vacation.

They were pretty confident to have identified Blanding's Turtles in Grater Woods, which is the first potential sighting.

- Seedling Giveaway

Chairman Perry stated he has been notified the seedlings are ready to be picked up. The event will be conducted on Saturday, May 13th from 9:00 a.m. to Noon at Currier Orchards, 9 Peaslee Road.

- Monthly Events

Commissioner Tenhave informed the Commission the Wildcat Falls Sub-Committee has spoken with a non-professional, but very well educated birder who has offered to lead a walk down to the falls looking for birds of opportunity. The walk will take place on Saturday, May 20th at 10:00 a.m. The only request is that participants don't bring their four-legged friends along as they would disturb the birds. Participants are encouraged to wear suitable footwear and bring binoculars. It was noted black flies and ticks are out.

Commissioner Tenhave spoke of the suggestion made that a brochure addressing tick precautions be distributed during the monthly events. He volunteered to work towards acquiring a brochure and look into having them printed up and available.

- Subcommittee Updates

Commissioner Glenn informed the Commission Tim Adams will be leading a hike on the Twister Trail beginning at 9:30 a.m. on Saturday, May 6th. Participants are asked to meet at the Horse Hill Nature Preserve (HHNP) parking lot on Amherst Road.

It was noted Don Laliberte, Alternate member, HHNP Sub-Committee, has expressed a desire to be considered for the full-time position left vacant by the departure of Deb Huffman. The current term for that position expires on July 31, 2017. The Commission will consider the appointment of Mr. Laliberte for the remainder of the current term and the following term (3+ years) at its next meeting.

Commissioner Glenn stated the Sub-Committee conducted a site walk the prior week to consider the proposed trails. She questioned if members had the opportunity to walk the site. Chairman Perry spoke of the background information that was provided the Commission from Ms. Huffman relative to Heron rookeries, etc.

Commissioners Boisvert and Tenhave noted they had not had the opportunity to walk the trails. Chairman Perry stated there to be some confusion on the flagging of the alternate trail. He suggested the need for the two options to be more clearly delineated noting it is a little confusing particularly on the east side. He suggested the area on the east side be walked after it has been a little damp. Commissioner Boisvert noted the trail proposed by Vice Chairman Caron is closer to the pond, but drier. Chairman Perry noted at the two spots where the trails are widest apart the distance goes from 120' to 70', meaning the proposed alternate trail is about 50' closer to the edge of pond. However, that is the pond that is on the north side of the beaver dam. The rookery is below the center line of the pond; the closest the trail head gets to that section is about 618'. Chairman Perry spoke of the assessment provided from Moosewood Ecological.

When asked, Chairman Perry stated a desire for the Commission to take formal action on this at an upcoming meeting when the full contingent of the Commission is expected to be in attendance. Commissioner Glenn noted the size of the trail is in question. Commissioner Tenhave stated that to be his hot button; he believes any replacement or reconfiguration of that trail needs to ensure all of the same uses the trail is currently designated for can be accommodated. The original trail was a designated trail that was part of the Definitive Plan that was approved by the Town Council and others. Chairman Perry noted the biggest problem that will arise concerning that is the grade. It is a very steep hill that requires switchbacks. Space is not sufficient for a switchback large enough to accommodate vehicles such as snowmobiles. To designate a multi-use path that gets to those two points by going straight up that hill will result in the same situation that is occurring now. Commissioner Glenn commented one of the suggestions was simply to close the trail. Chairman Perry commented it is closed seasonally now, but is still used. If on a motorized vehicle the longer way around is really not that much longer.

Chairman Perry stated the item could be placed on the Commission's June 5th agenda.

Chairman Perry noted members of the Right Riders were in attendance at the last Grater Woods Sub-Committee meeting. The need to get that bypass trail (D2 trail) built prior to the road was discussed. Currently quite a bit of physical damage is being seen; one of the gates was taken apart when an ATV was caught inside of it. They will look at having that trail constructed.

The Sub-Committee is working on updating the to-do for the Grater Woods Management Plan. Jeff Littleton, Moosewood Ecological, was asked to look at the property as a whole.

Commissioner Glenn questioned if there was an update regarding the skidder damage discussed at the last meeting. Chairman Perry responded he has spoken with Mr. Littleton concerning that. Although a very busy time of year for him, Mr. Littleton will attempt to visit the area and walk the path. The Police and the New Hampshire Department of Environmental Services (NHDES) have viewed the area. A representative of NHDES has indicated, having walked the path, he did not identify any wetland violations. Mr. Littleton will walk the area as soon as his schedule allows. If he believes it prudent, the Commission can consider having a Wetland Scientist view the area. Vice Chairman Caron has stated a willingness to walk the site and identify the man hours that would be needed to rebuild the various aspects of the trail that suffered damage.

Chairman Perry spoke of prior discussions around the creation of a Sub-committee for Gilmore Hill. The Commission expressed a desire to move forward with those efforts. Commissioner Tenhave commented with the website update, he has been working on the creation of a Sub-committee page for each of the properties that a sub-committee exists for to start bringing some visibility to the sub-committees. He was going to have a dummy page put in place for the other properties to say coming soon or if interested please let us know. He stated the desire to have that in place prior to the public push. **The Commission was in agreement.**

Commissioner Boisvert suggested reaching out to the abutters of the properties to see if there is interest in serving on a sub-committee.

Chairman Perry spoke of the opportunity for word-of-mouth advertisement during the Seedling Giveaway.

Commissioner Rosati spoke of the beaver issue at Whittier Place. Chairman Perry noted the availability of brochures that could be handed out, which provide useful information. The same information is available on the Commission's website.

Commissioner Rosati spoke of her efforts to get the Friends of Merrimack Conservation up and running, and questioned if, at future Commission events, that group could conduct raffles, etc., the revenue from which would go into the Commission's Fund 53. Commissioner Tenhave suggested speaking with Assistant Town Manager/Finance Director Micali regarding that as it may be that the proper approach is to create a separate fund for such donations. He noted donations have to be approved by the Town Council.

Commissioner Tenhave remarked, depending on the event, he would think such activities could be accommodated.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. April 17, 2017

The following amendments were offered:

- Page 2, Line 19; replace "rain water" with "rainwater"
- Page 4, Line 35; replace "smoke" with "spoke"
- Page 5, Line 41; replace "to" with "too,"
- Page 6, Line 41; insert "or" before "are"
- Page 9, Line 23; replace "own" with "down"

Page 12, Line 6; replace "OF" with "OR"

Page 12; in the motions and roll calls; replace "Commissioner Caron" with "Vice Chairman Caron" and "Commissioner Perry" with "Chairman Perry"

MOTION BY COMMISSIONER TENHAVE TO ACCEPT AS AMENDED

MOTION SECONDED BY COMMISSIONER GLENN

MOTION CARRIED

5-0-0

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Chairman Perry remarked the battle he has been fighting trying to keep up with the beavers in the area behind his residence on Madison Drive is being lost. Water is rising. There is no area where any kind of leveling device could be installed. What the beavers are damming up is an area of 6-12" across 75-100'. The stream comes back and just goes out into the wetlands. It is just a big, flat, level area. They dam it up by 6" and it just goes out and out until it starts getting into yards. The dams are holding back literally 1' of water, but they are very long. The other option is trapping.

Commissioner Glenn questioned if GZA GeoEnvironmental, Inc. has been out to view the site. Chairman Perry stated there is a device at the far end of it. Back in behind the neighborhood the ground is so flat you are in knee deep water when it is backed up. There is no channel. They are damming from grass clump to grass clump across the back. There is no way to keep up with them.

Commissioner Tenhave noted trapping only resolves the issue for three years; the beaver will return. Commissioner Glenn commented Skip Lisle from Beaver Deceivers has said he has never met an area he couldn't fix. She remarked there are other solutions beyond the leveling device. Chairman Perry responded some of the other things are an extension of the NHDES permit to make a channel and create a single path that you can let water through. Commissioner Glenn commented that would be more of a permanent solution. Chairman Perry agreed. Commissioner Boisvert remarked if you have a single path and the beavers dammed that you could put a deceiver in.

Chairman Perry commented the problem is if they built something just south or north of it you are back in the same situation. Growth of grass and trees is slowly taking place, and eventually the wetland will fill in. He commented from his back door to where the stream is, he is looking down 10-15' into his neighbor's yard across the stream behind him. A foot of water to him makes no difference in his yard; to them now it is coming back into their yard and causing a problem.

Commissioner Tenhave commented this problem has been going on since the neighborhoods went in. When you look at the records, there is discussion of going out there with rifles, of ridding the area of the dam by driving a backhoe in and demolishing the dam, etc.

The Commission was in favor of asking the Town Engineer to visit the area, and make a recommendation.

ADJOURNMENT

MOTION BY COMMISSIONER TENHAVE TO ADJOURN

MOTION SECONDED BY COMMISSIONER GLENN

MOTION CARRIED

5-0-0

The May 1, 2017 meeting of the Merrimack Conservation Commission was adjourned at 8:33 p.m.