



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

MONDAY, MAY 23, 2022

MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, May 23, 2022 at 6:30 p.m. in the Matthew Thornton Room.

Mike Boisvert, Vice-Chair, presided:

Members of the Commission Present:

Cindy Glenn
Michael Drouin, Alternate Member
David Trippett, Alternate Member
Councilor Andy Hunter
Gage Perry
Eric Starr

Members of the Commission Absent:

Steve Perkins, Chair
Gina Rosati, Secretary
Ellen Kolb, Alternate Member

Also in attendance:

Jason Hill, Project Manager, TF Moran, representing Home Health and Hospice Care
Matt Caron, NEMBA member and former MCC member
Andrew Duane, Wildcat Falls Sub-committee member
Tim Thompson, Director, Community Development Department

Vice-Chair Boisvert designated Commissioner Drouin and Commissioner Trippett to sit in as voting members.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS -

- Home Health and Hospice Care (applicant/owner) – Review for acceptance and consideration of final approval of a Site Plan Review to construct two building additions totaling 8,168 square feet with associated site improvements. The parcel is located at 210 Naticook Road in the R-4 (Residential) and Aquifer Conservation Districts. Tax Map 2B, Lot 324-002-01.

Jason Hill, Project Manager at TF Moran presented. He explained the project is a site plan going before the Planning Board for construction of two additions to an existing hospice care facility. The primary purpose of the project is a building expansion to provide a new single story support wing for staff on the west side of the site about 1,908 square feet in size. It will have interior access to the existing building and a new exterior door will be added. A second addition of approximately 6,000 square feet in size will serve as a patient care wing with 6 new patient suites. Mr. Hill spoke of some off-site wetlands in the vicinity but noted that there are no proposed changes to any buffer areas.

The existing site currently has 48 parking spaces, there will be a minor reconfiguration of these spaces to include one additional space near the new west wing. The dumpster pad mechanical units will also be reorganized. There is an existing paved path connecting Christina Road and a courtyard on site which they are proposing to reorganize. As a result of these small improvements, TF Moran is proposing the construction of a small drainage pond to catch the runoff. The drainage pond it proposed to be constructed near the larger building addition. There is also an existing drainage pond on the opposite side of the lot they propose to make minor improvements to.

Commissioner Perry questioned if they would need to go before the Planning Board again. Mr. Hill responded that they would not, the project was conditionally approved subject to technical review comments from Fuss & O'Neill which they had received. Commissioner Perry asked if the walkway around the outside of the buildings was already existing to which Mr. Hill responded that it would be relocated. It currently bisects through the site of the larger building addition and therefore needed to be moved. He explained that it would also function as a secondary fire access lane. It was designed with a large shoulder and had loam on top of gravel in order to support the weight of a fire truck. Commissioner Perry questioned if it would be used for any other access. Mr. Hill said it would only be used for fire purposes and pedestrian access and would be gated.

Pre and post runoff numbers were discussed. Mr. Hill stated that TF Moran was proposing to either meet or be lower than current runoff regulations. Vice-Chair Boisvert questioned if Mr. Hill said the retention pond in the Southeast corner was new. Mr. Hill said yes, there would be a new roof drain system which would discharge into the retention pond which will be 3-4 feet deep. Small improvements will be made to the retention ponds based on comments received from Fuss & O'Neill to account for 25 and 50 year storm water flow.

Commissioner Perry noted that the 10 and 25 year post runoff rates were both lower than the pre runoff rates, only the 50 year rates were a bit higher.

Commissioner Perry questioned if there would be additional storage for vehicle maintenance or liquid on site, or if there would just be more space for patient parking. Mr. Hill responded that the parking lot is not fully being utilized. While individuals with many visitors may fill a majority of the parking lot, it's typically less than a quarter full. The parking lot will meet the parking capacity for the projected increase in beds and already exceeds Merrimack's parking regulation numbers.

Vice-Chair Boisvert asked about if any new plants would be placed on the property. Mr. Hill responded that they are proposing to primarily include plants around the perimeter of the building foundation. They will match the plants already existing on the property. Additionally, they plan to add four shade trees and a berm with a new arborvitae hedge to the South of the support wing addition. Its purpose is to provide additional screening and noise reduction from Continental Boulevard.

Mr. Hill brought up the restriction against using chemical de-icers and salt in the Aquifer Conservation District. He noted that this community has many individuals with limited mobility. The restriction of de-icers at this site would not be favorable for users. Therefore, he hoped this restriction could be waived for this specific site. He did however agree with utilizing a Snow-Pro certified individual.

Commissioner Perry commented he was not sure that the Conservation Commission could waive this requirement in the Aquifer Conservation District. Mr. Thompson responded the Conservation Commission was not authorized to waive this requirement, the Planning Board would need to. Commissioner Perry asked where the salt would be placed on the site. Mr. Hill responded it would be used in parking areas, on sidewalks, and at primary building access points. Vice-Chair Boisvert questioned if Mr. Hill had a specific product in mind or if he was asking for authorization to use any salt or chemical de-icer. Mr. Hill said he would like to be able to treat with anything.

Vice-Chair Boisvert asked if the Commission wanted to recommend waiving the de-icer and salt restriction for this specific site to the Planning Board. Commissioner Perry stated he could see treating the entry points, but not treating the whole parking area because it would go right into snow removal and drainage.

The conversation continued covering which areas of the site should be treated and whether or not treatment was prudent at the site. There were concerns about the request being too open ended and it was requested that the specific treatment areas be clarified in order for the Commission to make a recommendation.

Mr. Thompson explained that the Planning Board would be responsible for deciding if they would waive the restriction of de-icers in the Aquifer Conservation District. In order to waive the

stipulation, the case would need to be re-noticed and brought back to the board. He continued that if he was understanding Mr. Hill correctly, patient's access to the facility was the primary concern. He pointed out that patrons in hospice care would not be walking around the site. If the concerns is those particular patrons slipping and falling, he feels the entry ways and sidewalk in front of it would probably be a good place to limit treatment to. He also recommended that Mr. Hill speak with Merrimack Village District. This site would infiltrate very well and MVD may have concerns about salt getting into the water table.

MCC recommendations:

1. On parcels that are located in the Aquifer Conservation District and/or a Wellhead Protection Area, only low phosphate, slow release nitrogen fertilizers shall be used. While not required, it is recommended that the applicant utilize a soil testing facility to determine what levels and application rates are necessary prior to applying any fertilizer to the site.
2. Only non-invasive plants may be used.
3. Jason Hill has requested permission to use non-Green Snow-Pro Certified de-icers on sidewalks, as many visitors may have mobility issues. The MCC recommended Green Snow-Pro Certified professionals for the parking lot expansion in January 2014. The Planning Board will make the final decision of what de-icers can or cannot be utilized.

NEW BUSINESS -

- Matt Caron – Annual demo bike ride at Horse Hill Nature Preserve August 6 from 10am-4pm

Matt Caron shared that a company named Pivot Cycles will be bringing bikes. They are a company based out of Arizona and have participated in the event previously. Pivot Cycles has now partnered with S & W Sports of Concord, NH. Both companies will have a few representatives at the event. S & W sports has offered to adopt a trail and complete repairs in exchange for hosting the event at HHNP. Mr. Caron briefly explained the event is typically held annually. Pivot Cycles brings a variety of bikes that they sell for individuals to test ride. Individuals only need to bring a driver's license and credit card to test any bike at the event.

The company typically arrives in the morning to set up a demo loop trail approximately two miles in length. The discussion touched on how far in advance to post signs notifying the public of the event. The Commission agreed to post a notice on the website. The Community Development webpage will also display event information. Commissioner Starr recommended contacting Marc Gagnon of the HHNP Subcommittee to notify him of the event.

- **Replacement of bridge on North Loop Trail at Wildcat Falls. Possible request for funds for supplies to come from Fund 53.** Discussion only.

Andrew Duane from the Wildcat Falls subcommittee explained that the original bridge joists were placed on grade, over the years debris built up and caused the wood to rot. He has been working on a new plan to lift the bridge up on concrete piers and to get it off grade to keep the wood dry and free from debris build up. He has run rough designs and estimates and determined the project will cost around \$400.00 to \$500.00 for materials. There will be plenty of volunteers to help construct the bridge. Questions regarding the length of the bridge were covered with the bridge estimated to be around 18 to 20 feet long.

Vice-Chair Boisvert advised that once Mr. Duane has the materials list, he can provide it to the Commission for approval of funds. Mr. Duane stated he plans to check out a bridge at the Grater Woods property to see if it is constructed similarly. Once he has a more firm plan, he will contact Reed's Ferry Lumber for a quote. Discussion continued about whether concrete piers or rocks placed under the bridge would be the best support.

Commissioner Drouin asked a few questions regarding whether or not Wildcat Falls has its own fund and if the subcommittee planned to complete maintenance on the picnic table at the property. Mr. Duane responded he did not know of a fund specific to Wildcat Falls, and continued that the picnic table could use a sanding or cleaning which would probably take place during a workday. Mr. Duane will send an invoice with specific costs to be voted on once received.

• **Request for funding – maintenance projects at Grater Woods**

Commissioner Perry spoke of three projects the Grater Woods subcommittee would like to complete. The roof of the outdoor classroom needs repair due to vandalism. The balusters for the observation deck of the education trail have also been ripped off and need to be replaced. Lastly, the subcommittee is proposing to build a 24 foot bridge at the bottom of the education loop trail. The materials for these items would cost approximately \$680.00 in total.

Councilor Hunter expressed interest in having these types of requests included in meeting packets or sent digitally for Commissioners to review in the future. Commissioner Perry agreed and said he would send the information to Community Development for payment. The subcommittee is trying to get the work done before a wedding which is supposed to take place at the property in June.

Commissioner Drouin stated he had no problem with the bridge but asked for clarification on why Sklar subcommittee was asked to provide a plan when they proposed projects, and Grater Woods subcommittee was not. Vice-Chair Boisvert commented he believed that Grater Woods had a master plan and the requested projects were meant to maintain the property. Commissioner Drouin asked if the proposed bridge at Grater Woods was new, Commissioner Perry responded it would be.

Commissioner Drouin asked if this mean Sklar could add new bridges on the property without presenting a plan. Commissioner Glenn and Perry responded that Sklar is a much newer property

and doesn't have a master plan at all. Commissioner Drouin commented that this did not matter because a bridge wouldn't be in a master plan. However Commissioner Perry rebutted saying that the bridge was being used on an existing trail to close a gap between patches of wet trail. The subcommittee had previously tried to correct the problem using other methods, but were ultimately unsuccessful.

MOTION BY VICE-CHAIR BOISVERT TO APPROVE AMOUNT NOT TO EXCEED \$680.00 FROM FUND 53 TO COVER THE COST OF MAINTENANCE PROJECTS AT GRATER WOODS. SPECIFIC MAINTENANCE PROJECTS INCLUDE ROOF REPAIR FOR OUTDOOR CLASSROOM, BALUSTERS FOR VIEWING DECK, AND SUPPLIES A NEW BRIDGE.

**SECOND BY COMMISSIONER DROUIN
MOTION PASSED 6-0-1
ABSTAINED: COMMISSIOR PERRY**

- **Merrimack High School student member on Wildcat Falls Subcommittee**

Vice-Chair Boisvert explained the purpose of this request was to identify a student liaison between the Wildcat Falls subcommittee and Merrimack High School. Vice-Chair Boisvert questioned if this was something Mr. Duane wanted to speak about. He responded that this was the first he was learning about it, but that he would be in favor. He mentioned working with the High School on projects previously which had turned out well. Commissioner Perry commented he'd be willing to approve this idea for any of the subcommittees.

Mr. Duane asked if a student was under the age of 18, would they be considered a full member or would they be considered an emeritus member. Mr. Thompson commented it would be a good idea to double check this with the Town Manager. Mr. Duane asked if there was specific Town rules prohibiting individuals under the age of 18 from voting as part of the subcommittee. Commissioner Perry noted they'd have to look at the Conservation Commission bylaws, but could not recall any age restrictions in the bylaws.

- **Permission to contact Merrimack High School to discuss a student and staff Conservation group.**

Mr. Duane also spoke of the Wildcat Falls subcommittee trying to get more than a single student on their subcommittee. They are interested in starting a Conservation group at Merrimack High School to help with projects and learn about the subcommittees work. This relationship would be natural since Wildcat Falls abuts the High School property. If it leads to favorable results, the project may expand to include other subcommittees or the Conservation Commission. Commissioner Perry suggested starting in the Science and Biology departments as they have partnered in the past. The Commission expressed interest in this program and seeing what avenues may open up from it.

OLD BUSINESS -

- Seedling give-away supplies reimbursement - \$67.26 for 200 bags and 250 tags

Since the Commission had a late start on the seedling giveaway this year, Commissioner Perry bought supplies for the seedling giveaway. The purchase resulted in extra bags and tags that can be used for the event next year. He does not believe any more bags will be needed next year, though more tags may be required. He will do some research to find less costly tags.

MOTION BY COUNCILOR HUNTER TO REIMBURSE GAGE PERRY THE AMOUNT OF \$67.26 FROM FUND 53 FOR 200 BAGS AND 250 TAGS PURCHASED FOR THE 2022 SEEDLING GIVEAWAY.

SECOND BY: COMMISSIONER DROUIN

MOTION PASSED: 6-0-1

ABSTAINED: COMMISSIONER PERRY

OTHER BUSINESS -

- Subcommittee Updates

Sklar Subcommittee - Three picnic tables were placed at Sklar and thus far have not been vandalized. There has not been an issue with litter and they have been getting a lot of use as the property has been heavily trafficked recently. The boulders that were placed have been moved, however now the spacing between them is so large that individuals can squeeze through with vehicles.

Councilor Hunter noted that he had spoken with the Town Manager about this. With the original boulder placement there was no gap to allow individuals, particularly those with mobility challenges, access through the berms. They had discussed creating a gap, however it was not supposed to be large enough for a vehicle to pass through. If the gap was this large, this would need to be addressed.

Commissioner Trippett commented the boulders keep getting moved and should be moved back to the position highlighted in Sklar property plan 1. He continued that it is wrong and currently, the whole river is exposed so individuals can drive alongside it. There is not any handicap access at the six points. He mentioned not being able to climb over the boulders on site and is feeling frustrated because he thought the Town was going to find a solution.

Commissioner Perry asked if they should have the Director of Public Works take a look so he could advise on the next best steps. Commissioner Trippett spoke of the meeting held at Sklar with Fish & Game and how he had specifically mentioned that there should be access to the property for individuals with mobility challenges. Councilor Hunter interjected asking if the issue was with how large the gap between the boulders was or that there was an issue with where the rocks themselves had been placed, noting that these were two separate issues.

Commissioner Trippett responded that he could work with either plan, but the plan did not take handicapped individuals into consideration. Councilor Hunter responded that he understood and had agreed to speak to the Town Manager about boulder placement. If they were not placed correctly, this will need to be corrected. He feels they shouldn't keep talking about boulder placement and where they are vs. where some feel they should be. He feels the master plan could highlight this information and then be brought up for discussion at a Conservation Commission meeting.

If the boulders were moved to create a gap that allows vehicles to pass, this is a completely different problem. He can take it back to the Town Manager for a request to create a narrower gap. He felt it was not prudent to continue rehashing the plan if some did not approve since the plan had already been discussed in detail and voted on. Commissioner Trippett mentioned working on the plan for 8 months and then not being able to attend and voice his concerns regarding the plan. Councilor Hunter mentioned it should be brought back up as an agenda item, but wasn't appropriate to be covered and re-debated as a subcommittee update.

Discussion continued touching on the lack of consideration for handicap individuals regarding boulder placement. Clarification on which boulders needed to be moved was provided as well as there are a few spots with boulders at Sklar. Suggestions were offered to have Sklar subcommittee volunteers complete the work rather than asking the DPW.

Commissioner Drouin went forward with the update, speaking of an invasive honeysuckle plant on the property. He also stated that the Flying Eagle club completed tree cutting and he sent photographs of the completed cutting to the Commission. There is a lot of debris in the stream from the cutting which has resulted in culverts being blocked. He stated the whole buffer along the stream is gone. Commissioner Perry noted this is not Conservation owned land, but Town owned. Any terms for the cutting had to be authorized by the Town. The Town and possibly NH DES would have to get involved if any violations were taking place.

Commissioner Drouin added that the Sklar kiosk had been knocked over by the tree service the Flying Eagles had hired and was not able to be recovered. The club agreed to build a new kiosk. Commissioner Perry and Glenn stated Commissioner Drouin should check in with Commissioner Rosati as an Eagle Scout had built the kiosk and they believed she still had the plans.

Horse Hill Nature Preserve -

- Meeting again in June 2022.

Grater Woods -

- Will be scheduling a work day for the Ridge Trail which dead ends into a retention pond for the Chestnut Hill development. The subcommittee has worked to define the stream, but there is one area of the trail still experiencing flooding where the retention fence is installed. They will be contacting someone from the Chestnut Hill Development to

address the issue. Work day to be announced. Vice-Chair Boisvert brought up some vandalism at the Beebe lane kiosk. He stated he was able to quickly repair the kiosk.

PRESENTATION OF THE MINUTES –

MOTION BY COMMISSIONER GLENN TO APPROVE THE CONSERVATION COMMISSION MINUTES DATED APRIL 25, 2022 WITH CHANGES AS FOLLOWS:

Page 2, Line 43 change “updated” to “update”
Page 2, Line 49 change “updated” to “update”
Page 3, Line 104 delete “is low”
Page 5, Line 204 delete “with”
Page 6, Line 254 change “bench” to “picnic table”
Page 6, Line 255 change “bench” to “picnic table”
Page 6, Line 264 change “bench” to “picnic table”
Page 6, Line 266 change “bench” to “picnic table”
Page 7, Line 267 change “bench” to “picnic table”
Page 7, Line 268 change “bench” to “picnic table”
Page 7, Line 268 add “be” before approved
Page 7, Line 285 change “bench” to “picnic table”
Page 7, Line 308 change “bench” to “picnic table”
Page 8, Line 355 change “and” to “at”
Page 9, Line 358 change “bench” to “picnic table”
Page 9, Line 375 change “of” to “or”

SECOND BY COMMISSIONER DROUIN
MOTION PASSED 7-0-0

PUBLIC COMMENT –

Mr. Thompson commented that at the direction of the Town Manager, he has had Community Development staff start to look at the Conservation Commissions rules of procedure. With some of the members being so new, it made sense to go through the rules. He appreciates that they were willing to move into the Matthew Thornton room and change dates which makes it easier for Community Development staff to cover the other land use boards they are responsible for. The changes and updated rules of procedure, to be covered at the annual meeting, should hopefully provide a good framework for how meetings are run, ensure proper procedures are being followed, and ultimately help the Commission as they move forward.

COMMISSIONER COMMENTS –

Commissioner Drouin spoke of erosion concerns at Wildcat Falls which were brought to his attention by three individuals. Commissioner Perry suggested having the individual go to the subcommittee so the issue could be addressed.

He also spoke of the hike club hosting a few successful hikes recently, the last hike at Sklar had 17 individuals in attendance.

Half of the trail system at Sklar is blocked and inaccessible, particularly Eagle Bluff and Riverview trail. Vice-Chair Boisvert asked if Commissioner Drouin would like him to request that the DPW go cut some of the trees. Commissioner Drouin said that had requested help previously and never received it after waiting for four months.

The discussion briefly continued with some back and forth regarding the fact that volunteers had been prohibited from cutting on Town Land for safety and liability reasons. Commissioner Drouin also mentioned he had been having trouble with his Town email and was referred to speak to the General Government Department for assistance.

ADJOURNMENT -

MOTION BY COMMISSIONER GLENN TO ADJOURN.

SECOND BY COMMISSIONER PERRY

MOTION PASSED 7-0-0

MEETING ADJOURNED AT 7:50 P.M.

Submitted by Stefanie Brinn