



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

## **MERRIMACK CONSERVATION COMMISSION MONDAY, NOVEMBER 28, 2022 MEETING MINUTES**

### **CALL TO ORDER -**

A Meeting of the Conservation Commission was called to order on Monday November 28, 2022 at 6:30 pm in the Matthew Thornton Room.

Steve Perkins, Chair, presided:

Members of the Commission Present:

Michael Boisvert, Vice-Chair  
Michael Drouin, Alternate Member  
Andy Hunter  
Ellen Kolb  
David Trippett, Alternate Member

Members of the Commission Absent:

Gina Rosati, Alternate Member  
Cynthia Glenn  
Gage Perry  
Eric Starr

### **Also Participating:**

- Russell Rucker, Staff Engineer, Wilcox & Barton, Inc. #1B Commons Drive Unit 12B Londonderry, NH 03053
- James N. Petropulos, P.E., Hayner/Swanson, Inc. 3 Congress Street Nashua, NH 03062

*Chair Perkins designated **Commissioner Drouin** to sit in as a voting member for **Commissioner Perry** and **Commissioner Trippett** to sit in as a voting member for **Commissioner Glenn**.*

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### **PUBLIC HEARINGS** - None

### **NEW BUSINESS** –

- **Starten Realty, LLC (applicant/owner) - Review for recommendations to the Planning Board regarding final approval for a site plan for the addition of a gas station, convenience store and drive-thru coffee shop at the site of an existing car wash. The parcel is located at 376 DW Highway in the C-2 (General Commercial),**

**Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 002.  
Case #PB2022-40**

Russell Rucker from Wilcox & Barton, Inc. presented this project on behalf of Starten Realty. The purpose of the project is to revamp an existing commercial facility off of Daniel Webster Highway (DW Highway). The current facility is mostly developed impervious facilities and is currently the site of Patriot Car Wash. There are no proposed changes to the car wash facility and its washing cycles or systems. They are proposing a building addition for a convenience store added onto the station attendants' space for a gas station.

An existing garage, currently unused on the property, will be torn down and replaced by a drive-thru coffee shop. At this time, there is no intention to create a commercial kitchen. A parking lot island currently housing several vacuums will be removed and replaced with a new canopy system over gas dispensers. A dedicated drive-thru lane for the car wash, the central corridor for the building running towards DW Highway, is the only planned addition of impervious space. The project includes some off-site improvements which will expand the shoulder on the property's side of DW Highway and the addition of a guardrail. The guardrail will be placed on the opposite side of DW highway where there is a bank going down to Horseshoe Pond.

Applicant has submitted a shoreline protection plan to the town since the property cuts inside the 250 foot shoreland buffer. Only minor work will be done inside the buffer, most of the work to be completed is within the right of way itself. Work in the right of way will include pavement expansion, which will be minimal, and some re-striping. Mr. Rucker stated that a shoreland application has been submitted and he is awaiting comments. An application has also been filed for site plan review to go before the Planning Board. In addition, a separate application was submitted for the Zoning Board of Adjustment seeking a special exception for the gas station use in the Commercial District. Chair Perkins asked when Mr. Rucker would be presenting to the Planning and Zoning Boards. Mr. Rucker responded, the project is scheduled to go before the Zoning Board on November 30, 2022 and before the Planning Board in late December 2022.

Vice-Chair Boisvert asked if Mr. Rucker could briefly go through drainage. Mr. Rucker stated that currently, most of the stormwater infiltrated on site so they have mirrored that today and do not have additional stormwater running off the property. Stormwater will be captured, treated and detained using a flow through system and detention catch basins. There will not be any subsurface infiltration. An overflow pipe has been installed that goes to the municipal drain network and is meant to be an overflow for large storm events. Currently, the system can handle flow requirements for a hundred-year storm event, an event would need to be beyond that to cause a system overflow.

Chair Perkins noted that the drainage report shows that pre and post runoff numbers all went down. He questioned if there are fuel/water separators in the system and if so, where they are located. Mr. Rucker remarked that there are no oil/water separators on the property. If there is a spill, there is a pad around the dispensers which has PL beads to

capture any spills. The PL Beads can capture spills of up to 5 gallons. Spill kits will be kept onsite for the fueling facilities per state and federal regulations. Additionally, the canopy keeps stormwater from draining onto the property. The dispenser area has been graded so that all runoff water does not flow onto the dispenser pad. Chair Perkins asked if the current use has oil/water separation. Mr. Rucker responded that the current use does not. The washing system has its own self-contained system and a Sewer system that goes out. They are maintaining the existing services and have been working with the Department of Public Works to ensure they are meeting the Town's standards.

If the Zoning Board of Adjustment approves the special exception for the gas station, the applicant will go to NH Department of Environmental Services for review of the plan's compliance with regulations. Chair Perkins said he saw the existing island on the grading and drainage overview. However, the existing island extensions looked like they were expanded on both sides of the entrance. He asked if the grading at the entrance is what prevents sheeting or rain water from going into the DW Highway. Mr. Rucker replied that there is a berm and as a low point there are catch basins nearby that would collect the water.

Vice-Chair Boisvert commented that a note on the erosion control aspect of the plan mentions hay as well as straw on page 2 of 16 and should be updated. The Conservation Commission policy is to recommend that hay not be used. Mr. Rucker agreed to update the note. Chair Perkins stated he would send a letter with the Commission's recommendations to the Planning Board.

- **LMG Merrimack, LLC (applicant/owner) – Review for recommendations to the Planning Board regarding final approval for a site plan to construct a 100,115 square foot warehouse. The parcel is located off of DW Highway in the I-1 (Industrial), Aquifer Conservation and Planned Residential Development Overlay Districts. Tax Map 1D, Lot-6.**

Jim Petropulos from Hayner/Swanson presented the project on behalf of LMG Merrimack, LLC. The property is in the Southeast part of Merrimack off of Daniel Webster Highway. The property is located south of the Harris Pond development and north of the operations facility for Pennichuck Water Works. The property has moderate topography, a little bit of up and down, but in general tilts back to the South. Test pits throughout the site show very sandy soils, which is common for this part of Town.

There are not wetlands on the property and no influence on nearby wetland buffers from the project. Utilities are located along the front door. There is water and drainage already in place along the lot. A 36 inch drain line would handle runoff from this project as well as from Harris Pond and Pennichuck. Mr. Petropulos explained the proposal is for a speculative building 100,000 square feet in size. The proposed building would include space for light industry, light assembly, or small-scale distribution, with room for two tenants.

Access to the warehouse would be via Harris Pond Drive at the signalized T intersection with DW Highway. In the front, there is a 133 space parking lot and in the back there is a combination of loading docks and about 10 trailer parking spaces. The property will be serviced by municipal Sewer and includes underground telephone communications and power. Stormwater will be caught using curbing and catch basins. There are two proposed surface type stormwater practices.

One is located in the front in between the parking lot and DW Highway and is a small recharge basin. There is also a larger one located to the South to gather runoff from the roof and paved surfaces. Deep sump catch basins and sediment fore bays will be used to slow down the water, remove larger grit particles in the stormwater, and let it rest in the basins for some time to settle. Mr. Petropulos believes they will be going before the Planning Board on December 20, 2022. He also highlighted that the plans highlight the necessary Green SnowPro management and the fertilizer notes.

Chair Perkins questioned the pre and post runoff volumes, especially the 2 year projections. He noted that the runoff numbers went up, but the volumes went down. Mr. Petropulos stated that the modeling is finicky, especially with the group A soils present on this property. These sandy soils don't generate a lot of runoff coming off the site in the pre-development, and there probably isn't a lot.

Discussion touched on the lack of downstream impact and how volumes numbers would decrease. Commissioner Kolb and Vice-Chair Boisvert pointed out that while the plan on page one note 11 specifies the use of no-phosphate fertilizers for landscape work, however page 19 note 9 and page 12 note 4 refer to fertilizers with phosphate. Mr. Petropulos agreed that no-phosphate fertilizers will be used. Chair Perkins stated a note will be sent to the Planning Board with the Commission's recommendations.

- **Duck Box Purchase/Quote** – *Submitted by Steve Perkins*

Chair Perkins explained that the Commission hasn't purchased new duck boxes in several years. Commissioners clean and repair the Duck Boxes yearly, provided the weather conditions are safe enough to do so. The boxes eventually wear out over time. Chair Perkins explained that the Commission has previously used Gregg's Duck Boxes, a company out of the Midwest. He referred to a document included in Commission packets highlighting pricing of boxes which including shipping costs.

There is one unused box being stored in the Community Development office and Commissioner Perry has bedding supplies. Boxes will not go bad in storage, so it is Chair Perkins position that it would be expedient to place an order now. The discussion covered whether full door versions of duck boxes would be purchased with a consensus that these are probably the easiest to clean and just as durable as other types of duck boxes. Chair Perkins noted most damage comes from fallen trees.

Commissioner Drouin questioned where the duck box quote was from. Chair Perkins replied it was from Gregg's Duck Boxes.

He explained the quality of boxes has been good and they have been inexpensive compared to other options. Discussion touched on how long boxes last and what materials they are made of. Chair Perkins and Vice-Chair Boisvert mentioned boxes last about 10 years. Chair Perkins noted, he is not advocating to add more boxes since the process is labor intensive, but to replace the ones already existing and/or lost to damage.

Vice-Chair Boisvert noted that most of the duck boxes are successful and have eggs hatching in them. Discussion turned back to order and shipping questions with Chair Perkins commenting that the most cost effective way to order the boxes is in groups of 4 or more and the quote provided is for 6 boxes.

**Motion by Vice-Chair Boisvert to purchase six full door duck nest boxes for a total price of \$447.00 from Fund 53 from Gregg's Wood Duck Boxes. Price includes shipping.**

**Motion Seconded by Chair Perkins  
Motion Carried  
6-0-0.**

**OTHER BUSINESS** –

- **Feedback from annual presentation to Town Council**  
Chair Perkins made the MCC's annual report to the Town Council on November 17, 2022. The Council expressed its appreciation for all the behind-the-scenes work by MCC volunteers. The presentation is included in the minutes of the Town Council's November 17, 2022 meeting.

**APPROVAL OF MINUTES** –

**Motion by Commissioner Kolb to approve the November 14, 2022 Conservation Commission minutes with the following amendments:**

Page 2, third paragraph, fifth line: replace "along" with "alone"

Page 2, fifth paragraph, bottom line: replace "D Cell" with "deceleration"

Page 3, third paragraph, second line: replace "constipated" with "contaminated"

Page 6, fourth line: insert missing quotation mark for "Wasserman Property"

**Motion Seconded by Commissioner Drouin  
Motion Carried  
6-0-0**

**ADJOURNMENT** –

**Motion by to Adjourn by Councilor Hunter**

**Motion Seconded by Vice-Chair Boisvert**

**Motion Carried**

**6-0-0**

The November 28, 2022 meeting of the Conservation Commission was adjourned at 7:01pm.