



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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## **MERRIMACK CONSERVATION COMMISSION MONDAY, OCTOBER 10, 2022 MEETING MINUTES**

### **CALL TO ORDER -**

A Meeting of the Conservation Commission was called to order on Monday October 10, 2022 at 6:30 pm in the Memorial Room.

Steve Perkins, Chair, presided:

Members of the Commission Present:

Michael Drouin, Alternate Member  
Cynthia Glenn  
Andy Hunter  
Ellen Kolb  
David Trippett, Alternate Member  
Gage Perry  
Eric Starr

Members of the Commission Absent:

Gina Rosati, Alternate Member  
Michael Boisvert, Vice-Chair

Also Participating:

Matthew Routhier, TF Moran, representing Howe Distribution, LLC  
Ashoke Rampuria, Crow's Nest Circle Applicant  
Mark Verostick, Senior Project Engineer, VHB, representing Fidelity Real Estate Company  
Alison Mitchell, Sklar subcommittee member  
Tom Martinson, Sklar Subcommittee member  
Katie Little, Sklar Subcommittee member

*Chair Perkins designated Commissioner Michael Drouin to sit in for Vice-Chair Boisvert.*

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**PUBLIC HEARINGS** - None

**NEW BUSINESS** –

- **Howe Distribution, LLC (applicant) and Ootzie Properties-MHT, LLC - Review for recommendations to the Planning Board regarding a final approval of a Site Plan Review to construct a 340,000 square foot warehouse building and associated site improvements. The parcel is located on Crow's Nest Circle in the I-1 (Industrial) and Aquifer Conservation Districts Tax Map 2D, Lot 21.**

Mr. Routhier explained the warehouse project proposal. The parcel is 18.35 acres, is currently vacant and is located in the Aquifer Conservation District. The proposal is to construct a 359,698 square foot warehouse, part of the second floor square footage includes mezzanine space totaling approximately 20,000 square feet. Two entrances are proposed, the one closest to Mast Road would be for truck access to the site and the access at the end of Crow's Nest Circle would be for vehicular access only.

Due to the nature of the site and the soils, they are intending to infiltrate all storm water runoff. An infiltration basin is proposed near Mast Road that will handle water from the vehicular entrance down to the basin and the front portion of the warehouse roof. The remainder of the water from the rear portion of the warehouse roof and parking area heading to the North will be captured in numerous infiltration systems located under the pavement. This site is connected to municipal water and the proposal is to add four additional leach fields underneath the pavement.

One plant was brought up by the State of NH as an item of concern, it is a Claspig Milkweed. The plan is to relocate the plant to the upper portion of the detention basin where it will remain untouched and protected. Chair Perkins questioned if the project would be going before the Planning Board again. Mr. Routhier responded it would go before the Planning Board again in November.

Commissioner Kolb noted there is a problem with some invasive plant species in town. She continued that the plan presented showed various places on the parcel where hay would be used as mulch. The Commission recommends using straw rather than hay. She also noted that page 26 of the plan noted that the plan would be subject to the Town of Amherst regulations and that this should be updated to say the Town of Merrimack. Additionally, there were conflicting notes, on the plan. Page C-2, note 18 G stating that invasive plants will not be transported off site, but dealt with on site. The note on Page C-4 note 6 says invasive species shall be removed from the site and disposed of. This language needs to be updated.

Chair Perkins questioned if there was a summary in the Storm Water Management plan showing the pre and post runoff numbers and asked if Mr. Routhier could briefly summarize this information. Mr. Routhier stated there was no increase in runoff. Since the site is relatively flat, there is not any portion of runoff that leaves the main part of the site. The only portions they are matching, or reducing, runoff for would be the vacant property to the West where there is a slight downward slope to the wetland complex. Additionally, there is a small section to the North that tapers off to the Anheuser-Busch

Brewery property and the roadway culvert underneath Crow's Nest Circle. The soils are all accessibly drained. He mentioned a few other very small areas of runoff, but reiterated that all post runoff numbers would be lower than pre runoff numbers.

Discussion briefly touched again on how many leach fields there would be on site and whether there would be any connection to the wastewater treatment plant. Discussion also covered how many Milkweed Plants were on site with an estimate of 6 plants and if proper plant transportation methods were researched. Commissioner Perry noted that because the site was in the Aquifer Conservation District, he noted a few references on the plan to the fertilizer being 20/20. Since there is close proximity to the Merrimack River, no phosphates should be used. The Conservation Commission highly recommends testing the soil to prevent over fertilization.

Chair Perkins to submit a letter with the Conservation Commission's feedback to the Planning Board.

- **Consideration of wetland permit by notification application from VHB on behalf of Fidelity Real Estate Company. The application is for the site of Fidelity Investments located at 1 Spartan Way Tax Map 3C, Lot 191.**

Mr. Verostick presented a Wetlands Permit application submitted by Fidelity proposing to complete a maintenance project on an existing fire pump on their campus. The project is behind the 1 Spartan Way building where there is an existing pond serving as a fire pond. There is an underground vault with water intake lines that provide fire protection for the Fidelity buildings. Some mechanical components need to be replaced in the vault to prevent pipes from leaking.

VHB prepared the wetlands permit application to install a temporary cofferdam in the pond while work is being completed on the vault. The repairs are expected to take three to four weeks. There are approximately 50 linear feet along the center line of the proposed cofferdam and roughly 335 square feet of pond bed associated with the cofferdam. Commissioner Perry asked if this type of application was common to the NHDES seeing as how it seemed to be quite low impact. Mr. Verostick responded he was not sure, but he has personally worked on a few similar projects. Chair Perkins asked if the proposal outlines how the cofferdam would be put into place. Mr. Verostick said he would need to check with contractor, he believes they would need to go into the water to bed the cofferdam in the pond and would most likely use some sort of excavator.

- **NHACC Conference – Submitted by Steve Perkins**

Chair Perkins shared that the annual NHACC conference will be held on Saturday November 5, 2022 at Pembroke Academy. He noted there is a pre-registration deadline of October 22, 2022. If registrations are completed before this date, the cost is significantly lower. Commissioner Perry noted this item was budgeted for the MCC yearly. Chair

Perkins recommended registering as soon as possible, registration can be completed online and sent to Community Development to coordinate payment. He noted that there is a lot of valuable information offered at the conference.

- **MCC Annual Presentation and Report – Submitted by Steve Perkins and Ellen Kolb**  
Chair Perkins explained the annual Conservation Commission report goes into the Town of Merrimack's annual report. The report references some of the Commission's efforts, accomplishments, and projects that have taken place over the last year. The Conservation Commission will create a presentation for the Town Council from this document.

The presentation is scheduled for November 20, 2022. Chair Perkins requested that any Commissioners with pictures share them with him and Commissioner Kolb to be included in the presentation. Commissioner Kolb mentioned she has requested the current end of the fiscal year fund balances from Tom Boland, the Town's Finance Department Director. Commissioner Kolb also asked that any agencies the Commission has worked with be shared with her and Chair Perkins so they can be thanked for their efforts and time.

- **Annual LCIP Survey of Wasserman – Submitted by Eric Starr**  
Commissioner Starr spoke about the annual land conservation investment program (LCIP) survey at Wasserman Conservation Area. He explained that every fall the Commission walks the Wasserman Conservation Area property to write an annual monitoring report as part of the LCIP program. They walk the boundaries of the park, search for boundary encroachment, man-made alterations such as trails, and natural alterations such as invasive species. A date needs to be decided on, typically the walks take place between October 23 and November 10. The consensus was to meet on October 29, 2022 at 10:00am at the parking lot in the Wasserman Conservation Area.
- **Sklar Waterfront Park Plan – Submitted by Mike Drouin**  
Mrs. Mitchell noted that Horse Hill Nature Preserve was mentioned a few times in the printed plan, however this has since been corrected. Commissioner Perry noted there was one mention of Grater Woods on page 7 which should be edited. Mrs. Mitchell stated there have been questions about why maps of the property have not been included. She explained that the subcommittee has been trying to create maps using CAD, but are still trying to collect all of the information needed for maps. Chair Perkins and Commissioner Perry mentioned they may be able to help with this as the Commission would be discussing funding for the creation of Sklar property maps later in the meeting.

Ms. Little noted she had reached out to the Nashua Regional Planning Commission (NRPC) who had exported some layers directly from their GIS program. However, NRPC was unable to provide the roadways, she believes NRPC should be able to provide what they need to at least show parking dimensions and basic property identifiers, such as the entrance and boat ramp. Commissioner Perry noted the Commission has an association with NRPC and maps are typically created in collaboration with them. Before Ms. Little spends a lot of time creating a map on her own, they will most likely be

creating a new map. He continued that it would be very helpful to have someone who understood the layers involved in mapping. Discussion briefly touched on the Town of Merrimack's GIS.

On feedback from Chair Perkins, all names were taken out of the report as the Subcommittee realizes this report is helpful for historical resources and not a time to pat people on the back. The report speaks about the Riverview and Eagle's Bluff trails, however the picture included references Ferry trail. There was one small portion that was Ferry trail. However, when they looked at the whole property, there was one trail starting at the Town property line and all along the river which was renamed as the River trail. The Ferry trail will still exist and will connect the Eagle Bluff's Trail to the River Trail which will go down to the Ferry trail. The picture for the River Trail has not yet been created.

They cleaned up a few acronyms in the report for clarity purposes. Questions regarding the parking situation at Sklar also came up. The plan currently highlights two parking areas on the property, one for cars which is right at the trail entrances and the other is after the bridge for the purpose of trailers. They are still in discussion on other needs and how they can resolve the parking issues while keeping the property accessible.

Councilor Hunter questioned the introduction of the plan noting that it currently states that part of the master plan will include modifications to the Town owned parcel. He does not believe that the Commission has the power to do this. Commissioner Perry commented that he does not believe there is any Memorandum of Understanding (MOU) with the Town to operate the land as a single parcel. This would need to go before Town Council for approval if the subcommittee decided to go this route.

Councilor Hunter also brought up comments regarding the Flying J area which is Town owned property. This either needs to be resolved with the Town, or removed, since currently the Commission only has jurisdiction over the parcels under by the Conservation Commission. Councilor Hunter also commented that the plan states underage drinking being listed as prohibited. He felt this could probably be left out as underage drinking is not allowed on any Conservation properties. Commissioner Perry added there's no alcohol allowed at all on either Conservation or Town owned parcels.

Commissioner Glenn wasn't sure that anything needed to be added regarding recent activity no longer allowed. The parcel was previously privately owned, so they can't be sure what was or wasn't allowed. She felt this portion could be removed. Councilor Hunter felt that prohibited activities should be included in the plan and added that this information was covered in Chapter 111. He doesn't know that the information needs to be restated, but the town does maintain a document with this information. Commissioner Perry added, that Chapter 111 was recently updated so it would be easy to reference and make sure the information matches.

Councilor Hunter suggested adding pictures of the parking area, as someone who has never been to the property, it is hard to imagine without any image to reference. Perhaps a map with a pin point to show the parking would be helpful. There is also an insect portion in the report that is blank, if there's nothing there, it is probably best to remove. He agreed with Chair Perkins that names could be removed from the document and expressed interest in seeing the plan once revisions are completed.

Commissioner Perry noted that page 2 referred to the boat launch, which is fine. However, this is a part of the Town owned parcel and not part of the plan, unless the Town tells the Commission to manage it. It may be helpful to call out the actual restrictions size of the bridge on page 2, because the access down there is restricted by the bridge size. He also suggested to add the sources used for data collection to prevent plagiarism concerns.

Discussion circled back to restrictions. Councilor Hunter pointed out that the plan says no motorized bikes, but he believes Chapter 111 says Class I E-Bikes are permitted. This information should be called out so it matches. Commissioner Perry suggested again to refer to restrictions per Chapter 111 so everything matches. Councilor Hunter shared that the way Chapter 111 was updated allows the appendix to be updated without changing the whole document. Referencing Chapter 111 will always ensure information is up-to-date.

Commissioner Drouin brought up the references to the Town owned parcels, noting that they definitely want to ask permission from the town to set up an MOU. The Town road is the only driveway to access the property and all the parking areas are going to have to be on the Town owned parcels. A lot of the land individual's hike on is also on the Town owned parcels. If the Conservation Commission isn't going to maintain it there may be a lot of ATV'S from the railroad tracks. Commissioner Perry commented they'd have to discuss the way the parcel would be managed with the Town. The whole Town parcel is used multiple different ways, but the Conservation parcel will not be. They will need to get an official MOU and include it in the Sklar plan document. Chair Perkins asked if Commissioner Perry could coach him on the process. Commissioner Perry said they would need to start with Town and that Councilor Hunter could probably help.

Commissioner Glenn added that she thinks the group needs to have a discussion about whether or not the Conservation Commission wants to manage this land. They can't do all of the work themselves, such as on roads. She questioned if they really want to take over management of this parcel. Commissioner Perry said that if parking would be called out, they should make sure the Town is in agreement with the parking. Councilor Hunter expressed agreement. If the Commission came up with a specific request stating what they would and wouldn't like to do, he would be happy to take it up with the Town Council to see if an MOU could be created.

Commissioner Kolb questioned if they had the numbers for the Flying Eagles lease and if Mrs. Mitchell knew when the lease was up. Mrs. Mitchell was not sure. Commissioner

Perry said the lease was never resigned. Commissioner Drouin asked if the plan would be conditionally approved, or if Sklar subcommittee members would need to come back again next month. Commissioners Perry and Glenn felt more information would need to be gathered and would like to see the plan again before it gets final approval.

Commissioner Drouin noted that the subcommittee would like to start working on the first year plan. He asked if they will get the support to do so, or if they will need to wait a few months to get final approval. Discussion continued on to projects the subcommittee would like to begin working on including trails and invasive species. Commissioner Kolb clarified if the subcommittee is looking for Town Resources, or permission for the subcommittee to go ahead and complete work. Commissioner Drouin responded they'd like the Commission's support for resources.

Councilor Hunter noted he was speaking for himself, but that if a request for supplies was made for some of these projects he'd be happy to support it. Traditionally, a request for supplies has been combined with a request for another costly item or tool that is not permitted to be operated, so the requests have not been approved in the past. Unfortunately, while the Commission may support the completion of projects, it has been accused of not supporting efforts to improve the Sklar property. When smaller requests are combined with unreasonable requests that aren't supported, funds don't get approved. The Conservation Commission is a steward of taxpayer funds, if supplies like gloves and tarps are needed, he'd be happy to support it. If it's a \$15,000 storage shed, he can't speak for the entire Commission, but he would not support it.

Commissioner Drouin continued on about invasive species spreading across the property due to individuals ripping up the property. Discussion continued on to whether or not police reports had been made, with a new surveillance camera on the property being referenced. Hunting was also covered and whether there were enough signs to post on the property. The possibility of a donation fund for Sklar was also brought up. Councilor Hunter commented that the only board that can accept donations on the Town's behalf is the Town Council. Proposals can be submitted to the Town Managers office to be added to a Town Council agenda for consideration.

Commissioner Kolb asked for clarification from Commissioner Drouin questioning if he is looking to know what the subcommittee can start working on regarding its one to three year projects. She questioned how much work the Commission should authorize the subcommittee to complete, if any. Commissioner Drouin stated this would be authorization to fill in ruts, or take care of the Knotweed invasion on site.

Commissioner Perry expressed concerns about the invasive plants on property, he would like to make sure they have a plan approved by an organization like the UNH Cooperative. This way they can get guidance on proper disposal of the Knotweed stumps and cuttings. The old stone bridge on the Sklar property was also spoken about, the bridge will likely be a complicated project. There has not been a definitive answer from the Town on what can or can't be done with the bridge yet, other than not adding

materials to the bridge. There are erosion concerns for the bridge that need to be considered. Chair Perkins to reach out to UNH Cooperative regarding guidance for the removal of invasive species.

- **Potential Creation of an Invasive Species Subcommittee- *Presented by Mike Drouin***  
Commissioner Drouin explained that Invasive Species have become a more prevalent issue recently. He believes an invasive species subcommittee could work with a few organizations such as the UNH Cooperative or the Merrimack River Watershed Council to map out the locations of invasive species in town. The subcommittee could collect resident input on where invasive species may be on private properties. This would give the Commission a better idea of how quickly invasive species are spreading and help them come up with a solution to manage them. Commissioner Perry commented there is already a website to report this information that is a mapping program.

Commissioner Drouin continued this subcommittee could provide education to the public about proper management of invasive species. Commissioner Kolb questioned if this has been done by other Conservation Commission's in NH. Commissioner Drouin responded the Town of Litchfield has a similar subcommittee, but he did not have details. Chair Perkins said subcommittees are great, but it can be a challenge to find volunteers to fill subcommittee seats. Commissioner Drouin said he had a few people in mind to volunteer on the subcommittee. Commissioner Drouin to collect more information at the NHACC annual conference.

#### **OTHER BUSINESS –**

- **Update on Andrew Butler's furbearer project – *Submitted by Steve Perkins***  
Chair Perkins shared that Andrew Butler was a UNH student who had asked the Commission if he could monitor furbearing animals at Sklar, Wasserman Conservation Area, and Grater Woods properties using game cameras and scent stations. He sent a thank you letter which Chair Perkins read. The research showed that the camera traps were a more effective way of monitoring furbearer occurrence and distribution than the scent stations which only detected the most common species. This information is being used to guide a broader statewide monitoring program. The information will be published in scientific literature. The Commission agreed they would love to see some project photos posted to their website.

Mr. Butler would like to continue the same project for another three years on the same three parcels. Last time there was not an official vote, just a group consensus. Commissioner Perry asked if this would be a seasonal project. Chair Perkins responded, he was not sure as they had not gone too far into the details in the past. One thing he recommends is to leave out the photograph location when posting them on the Commission's website. Chair Perkins said he got the sense that the information for the project has been collected off and on when Commissioner Perry clarified if the project would be seasonal going forward.



- **NRPC Mapping Project – Submitted by Steve Perkins**

Chair Perkins shared a draft quote he received from NRPC to refresh the existing GIS maps originally completed by NRPC. In addition, the quote includes a new map of the Sklar property which wasn't a part of the original mapping project. There was one typo under number one, compensation. When the amounts are added, it should come out to \$3,800.00 and not \$3,850.00. He believes the figure near number one should be \$50.00. Chair Perkins also asked for the technical specifications so any work going forward could be done to the same technical specifications. NRPC doesn't manage AllTrails so it could not be guaranteed, but they had done similar work for a few other communities in NH to make data compatible with All Trails.

Commissioner Drouin asked if the information would be uploaded to AllTrails. Chair Perkins responded that all existing GIS maps would be updates, a map for Sklar would be created including the new Chapter 111 restrictions. Commissioner Drouin questioned if the upload to AllTrails would cost \$2,000.00 which he thought anyone could do with the proper file. Commissioner Kolb noted that AllTrails was not the main purpose of this fee, OpenStreetMap appeared to be. Chair Perkins noted they don't have to make a motion if there are more questions, or they need more information before making a decision. Fields Farm property is not included in the quote because the Commission needs to resolve the property line and entrance issues before moving forward with it.

**Motion by Commissioner Perry to approve the proposal from NRPC as written from Fund 53 in an amount not to exceed \$3,850.00**

**Motion Seconded by Commissioner Glenn**

**Motion Carried**

**7-0-0**

### **SUBCOMMITTEE UPDATE**

- **Grater Woods - Submitted by Gage Perry**

The next meeting is October 12, 2022 at 6:30pm. They did not meet last month, but completed a work day recently to clean up balusters on the Outlook deck behind the school. The subcommittee is trying to contact someone in the new development as the new drainage swale they put down on the backside of the Ridge Trail has a pipe that is possibly cracked.

There has been water bubbling up through the ground and it is located in the center of a trail. There is supposed to be a 13 foot wide road (Woods Road) going from the school parcel all the way through to Beebe Lane. The road has a lot of overgrowth so they are working on a request to the Town to mow back the growth.

### **APPROVAL OF MINUTES –**

**Motion by Commissioner Kolb to approve the September 12, 2022 Conservation Commission meeting minutes with the following amendments:**

Page 4, Line 145: Add into minutes “Commissioner Trippett called Daniel Sklar to discuss the Sklar deed”.

**Motion Seconded by Commissioner Glenn**

**Motion Carried**

**7-0-0**

Commissioner Glenn commented that she would like to set the record straight as she had been called out in the prior meeting. She noted that she has never said that any of the Sklar’s have said something one way or another. There were three of them, which was reflected on the deed. She explained that the Conservation Commission authorizes a representative to speak on behalf of the Commission, but she had not been authorized to speak to the Sklar’s, nor did she want to back then.

She reiterated she did not talk to any of the Sklar’s and never said she had done so. She noted previous minutes could be referred to where she had explained that when the Commission buys Conservation land, they put in Conservation deeds. Commissioner Trippett mentioned that this was in reference to a meeting that NH Fish & Game has attended. Commissioner Glenn rebutted that she had not been in attendance at that meeting.

**ADJOURNMENT** –

**Motion by to Adjourn by Commissioner Glenn**

**Motion Seconded by Commissioner Perry**

**Motion Carried**

**7-0-0**

The October 10, 2022 meeting of the Conservation Commission was adjourned at 8:01pm.