



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION OCTOBER 19, 2020 MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, October 19, 2020 at 6:33 p.m.

Steven Perkins, Chair, presided:

Members of the Commission Participating: Michael Swisher, Vice Chair
Gina Rosati, Secretary
Michael Boisvert
Cynthia Glenn
Gage Perry
Michael Drouin, Alternate Member
Tim Tenhave, Alternate Member

Members of the Commission Absent: Eric Starr, Alternate Member
Councilor Peter Albert

Also Participating: Trevor Yandow, Civil Eng. Tech., Meridian Land Services
Karen LaBonte, Chair, Wildcat Falls Sub-committee

Due to the COVID-19/Coronavirus crisis, and in accordance with [Governor Sununu's Emergency Order #12](#) pursuant to [Executive Order 2020-04](#), this Commission is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV (Channel 20). Telephone access was available for members of the public wishing to provide comment; 1-312-626-6799 US / 1-929-205-6099 US (Meeting ID: 940 7435 5826).

Also identified on the agenda was the opportunity for public comment to be submitted leading up to the start of the meeting via email to: CommDev@MerrimackNH.Gov.

Commissioners were participating via Zoom. In accordance with [RSA 91-A:2 III](#), Each member of the Commission was asked to state, for the record, where they were, why their attendance in person was not reasonably practical, who, if anyone, was with them, and whether or not they were able to hear the proceedings.

Chair Perkins

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Vice Chair Swisher

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Commissioner Rosati

Stated she was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, she was alone in the room she was in, and could hear the proceedings.

Commissioner Boisvert

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Commissioner Glenn

Stated she was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, she was alone in the room she was in, and could hear the proceedings.

Commissioner Perry

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Commissioner Drouin

Stated he was participating electronically from his vehicle on his way home, attendance in person was not reasonably practical due to COVID-19, he was alone, and could hear the proceedings.

Commissioner Tenhave

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

It was acknowledged all members participating electronically could be heard. The Commission was reminded all votes would be taken by Roll Call.

Chair Perkins designated Michael Drouin to sit in for Councilor Albert, as a voting member.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

- 1. Brian Labrie (applicant) and BHL Real Estate Holdings, LLC (owner)** - Review for recommendation to the Planning Board for the construction of a detached garage. The parcel is located at 660 Daniel Webster

Highway in the C-2 (General Commercial), Aquifer Conservation, and Wellhead Protection Districts. Tax Map 6E-2, Lot 014.

Trevor Yandow, Civil Engineering Technician, Meridian Land Services, stated the proposed site plan modification to be a 22' x 28' detached garage intended for vehicle storage during winter months.

The site received its initial site plan approval in 2011, and several Zoning Board of Adjustment (ZBA) approvals concurrent with the application.

In August of this year, the ZBA granted a Variance to permit the construction of the proposed garage within 5' of the lot line (requirement is 20'). The intent of the location for the garage is to facilitate a landscaping vehicle with a trailer to be able to make a 180° turn internal to the site. On October 6th, a request to waive full site plan review was granted by the Planning Board (subject to provisions of the 2011 approval).

As proposed, it meets the requirements outlined within the zoning ordinance regarding the Aquifer Conservation District. No storage of chemicals, pesticides, herbicides, salt or fuel on the site. The only outdoor storage is an existing material storage bin for sand used for deicing in the winter.

Asked how stormwater runoff from the roof of the proposed garage would be handled, Mr. Yandow noted, with the original approval, the entirety of the site was analyzed as a hard-packed gravel surface. The difference in the amount of runoff generated from the amount of gravel as opposed to the structure, is negligible.

Asked about water flow direction, Mr. Yandow stated the site is rated to flow generally straight back from existing structure in the front to the basins in the northwest. He displayed a copy of the 2011 approved site plan, which detailed the water flow (sheet flows to back portion of lot where basins are located).

Asked if any landscaping is proposed related to the change, Mr. Yandow stated there to be no additional landscaping proposed. Commissioner Perry asked for clarification the purpose of the garage is strictly for vehicle storage, e.g., no maintenance to be performed onsite. Mr. Yandow responded it is intended to be a heated area for vehicle storage during winter months.

Commissioner Rosati questioned the foundation of the structure noting the close proximity to Saint-Gobain land, e.g., would the proposal involve disturbing/movement of dirt. Mr. Yandow stated he has not seen the architectural plans. He will look into that and provide a response. His assumption is that the foundation would be a slab on grade. Commissioner Tenhave stated a desire to be informed of where material would be sent if taken offsite. Mr. Yandow remarked, if there is a foundation, he does not believe there would be too much material, and he would assume there is a plan to deal with that, e.g., likely space to store onsite if needed. He reiterated he can look into that and provide additional information.

NEW BUSINESS

1. Review Introductions for Sklar Waterfront Park Subcommittee Membership
 - Tom Martinson
 - Anita Creager
 - David Webb
 - Mark Twardoski

Included with the [agenda](#) were letters from individuals who have expressed an interest in serving in this capacity. Mark Twardoski did not provide a letter, however, is known to the Commission.

MOTION BY COMMISSIONER BOISVERT TO APPOINT THE FOLLOWING INDIVIDUALS AS FULL MEMBERS OF THE SKLAR WATERFRONT PARK SUBCOMMITTEE; COMMISSIONER DROUIN AND MARK TWARDOSKI FOR TERMS TO EXPIRE JULY 31, 2022 AND ANITA CREAGER, DAVID WEBB, AND TOM MARTINSON FOR TERMS TO EXPIRE JULY 31, 2023
MOTION SECONDED BY CHAIR PERKINS

ON THE QUESTION

Commissioner Boisvert was appointed as an Ex-Officio member at the Commission's September 21, 2020 meeting (yearly appointment). Noted was the intent for terms to be staggered to avoid the terms of all members concluding at the same time.

A Viva Voce Roll Call vote was taken, which resulted as follows:

Yea: Chair Perkins, Vice Chair Swisher, Commissioner Boisvert, Commissioner Rosati,
Commissioner Glenn, Commissioner Perry, Commissioner Drouin

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Nay: 0

MOTION CARRIED

1. Annual Review Presentation for Town Council Meeting

Commissioners were provided with a copy of the speaking points (copy attached).

Noted were the FY20 year-end fund balances: Fund 51 - Special Conservation Fund \$47,954, Fund 53 - Land Use Change Conservation Fund \$924,767, and the Horse Hill Nature Preserve Fund \$571.

Commissioners commented on this being the first time in memory when the Commission will be before the Council having full membership.

Discussed at length were the goals/activities for 2021 and the order in which they would be identified. Commissioner Tenhave commented on the likelihood for discussion around the goal of continuing acquisition mode for remaining key parcels. The Commission was informed that was discussed at the Town Council's Retreat; suggested expending more in the way of funding on maintenance versus acquisition. The description will include language identifying key parcels as identified in the Town's Master Plan and by the Commission's parcel assessment tool.

When identifying areas where the Town Council can provide assistance, the discussion of the town-wide GIS system culminated in a recommendation that the topic be phrased "Support additional functionality in the GIS system". Commissioner Perry suggested requesting input from Kyle Fox, Director, Public Works Department, in terms of describing the type of functionality desired, e.g., layers.

Commissioner Tenhave commented on the need for the Council to be informed there are three parcels that are in process and will be put forth for approval in the coming year; Tomasian donation and two properties adjacent to Grater Woods that are being donated as part of the Chestnut Hill Sub-division (mitigation).

2. Review 2020 Annual Report

A review was conducted of the minutes from the last year in preparation for completion of the Annual Report. A copy of the draft report was provided with the agenda.

3. 2020 Membership dues – NH Association of Conservation Commissions

Commissioner Perry stated his belief the Commission has been members for 20⁺ years, and he supports continuing that relationship. Chair Perkins commented on the events made available through membership.

MOTION BY COMMISSIONER ROSATI TO APPROVE THE INVOICE FROM THE NEW HAMPSHIRE ASSOCIATION OF CONSERVATION COMMISSIONS FOR 2021 MEMBERSHIP DUES IN THE AMOUNT OF NINE HUNDRED FIFTY DOLLARS (\$950.00) AND ALLOW THE TOWN FINANCE DEPARTMENT TO PAY THE BILL WITHIN A REASONABLE TIME AND WHEN MEETING CASHFLOW ABILITIES. SOURCE OF FUNDING IS THE TOWN BUDGET.

MOTION SECONDED BY COMMISSIONER PERRY

A Viva Voce Roll Call vote was taken, which resulted as follows:

Yea: Chair Perkins, Vice Chair Swisher, Commissioner Rosati, Commissioner Boisvert,
Commissioner Glenn, Commissioner Perry, Commissioner Drouin

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Nay: 0

MOTION CARRIED

OLD BUSINESS

1. Wildcat Falls Conservation Area – Vote to reopen WFCA on Merrimack Outdoors website

The Commission was asked if there were any objection to re-populating the website with information on Wildcat Falls, and referring to it as open.

The consensus of the Commission was to make the information available on the website.

Vice Chair Swisher questioned if the website should include the information regarding resident parking. Noted was that signage is currently being erected; resident only parking April 15th through September 15th. The Commission agreed the website should note the restriction.

2. Wildcat Falls Conservation Area – Annual Update from Sub-committee

Karen LaBonte, Chair, Wildcat Falls Sub-committee, stated the first and last official meeting of the year was conducted on January 7, 2020. In discussion was a full moon snowshoe walk, padlocks for the gate entrance, and proposed meeting dates for 2020. There was also an issue around snow plowing berms that were blocking the north loop trail. She thanked Commissioner Rosati for addressing the padlock issue.

Two trail clean-up events occurred in July. Members of The Litter Crew did a fantastic job cleaning up the falls area. A clean-up day was conducted by a group comprised of members of the Commission, Sub-committee, the Michael LoVerme Memorial Foundation, and residents of the Currier Road neighborhood.

The parking lot has been resurfaced with new/painted parking spaces for designated parking and “no parking” painted along the surface along the wooded side of the parking lot. Noted as recently as the prior day, users continue to park along the wooded portion of the parking lot. This poses an issue with safe and rapid access to the property for emergency vehicles. Through coordination with the Public Works Department, it is hoped a more permanent solution will be identified.

Ms. LaBonte and Commissioner Rosati met with a representative of Eversource on October 2nd to discuss removal of potential hazardous treefall on the powerline portion of the property. Those trees were successfully removed and placed alongside the clearing to naturally break down, and provide shelter for wildlife.

There are many new and old agenda items that have been placed on hold. The Sub-committee looks forward to being able to continue its mission as stewards in protecting that property and keeping it accessible and available to all of those who wish to enjoy it. A walk to the falls is planned for Saturday, and is the last event planned at this time.

Commissioner Rosati commented, upon passage of Chapter 111 updates, she would like to see signage for all entrances.

Ms. LaBonte spoke of the long list of issues regarding safe access to the property, and of the sub-committee being available to support in these endeavors in whatever way possible. She spoke of the possibility of constructing a bridge onto the property from the lower ballfields over on West Chamberlain.

3. Scout Update – Sarah Hardy & Daniel Bartus

Scout Hardy will be before the Town Council on October 29th. Her project is to erect selfie stands on Commission properties.

Vice Chair Swisher noted Life Scout Bartus completed his project on Saturday. He visited the area to view the project, and found it to be impressive. He expressed gratitude for a project completed on time and under budget.

Commissioner Drouin will serve as the Scout liaison moving forward.

4. Wasserman Conservation Area LCIP Walk - Sunday, November 1, 2020 (9:00 a.m. resident lot)

The item was placed on the agenda as a reminder of the scheduled walk.

Commissioner Starr has agreed to work with Commissioner Tenhave to complete the survey required by the State following the walk. Commissioner Tenhave stated he would reach out to Commissioner Starr; however, he would be unable to participate in the walk. There is the need for a participant to capture photos and ensure the entirety of the walk is accurately captured on a GPS system.

5. 50th Annual NHACC Conference

The 50th Annual New Hampshire Association of Conservation Commissions (NHACC) Zoom Conference is scheduled for Saturday, November 7, 2020 (Zoom); 8:00 a.m. - 12:00 p.m.

Commissioners wishing to participate are asked to register and forward a copy of the confirmation email to Sharon Haynes, Community Development Department, no later than Friday, October 23, 2020.

OTHER BUSINESS

1. Discussion on communications or correspondence received concerning regulated Commission activities and any issues concerning Commission managed lands.
2. Sub-Committee Updates

There is some question as to whether the Commission should or can put a water leveling device in the back side of the property off of Brookside Drive. There is a large watershed coming to that area. Additional discussion is necessary.

Commissioner Boisvert noted additional rocks were delivered to the Sklar Waterfront Park. He will reach out to Mark Twardoski regarding moving the rocks to create the desired barriers.

Asked if he was able to gather information with regard to the ability for sub-committees to resume meeting, Chair Perkins stated he reached out and requested additional guidance on that matter. He will follow-up.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [September 21, 2020](#)

The following amendments were offered:

Page 3, Line 13; replace “striping” with “stripping”
Page 5, Line 44; insert a comma after “in”
Page 6, Line 43; replace “do” with “done”
Page 12, Line 6; replace “bikes” with “E-bikes”
Page 14, Line 34; replace “Councilor Albert” with “Commissioner Perry”
Page 16, Line 32; replace “Commissioner Boisvert” with “Chair Perkins”

MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED MOTION SECONDED BY CHAIR PERKINS

A Viva Voce Roll Call vote was taken, which resulted as follows:

Yea: Chair Perkins, Vice Chair Swisher, Commissioner Rosati, Commissioner Boisvert,
Commissioner Glenn, Commissioner Perry, Commissioner Drouin

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Nay:

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MOTION CARRIED

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Boisvert questioned the availability of trail markers for Grater Woods. Commissioner Perry will follow-up.

Users of the trails were encouraged to wear hunter orange. Commissioner Perry reminded folks of the need to put hunter orange on dogs as well.

Commissioner Drouin stated concern the snow will fall before work on the Sklar Waterfront Park can begin. He is anxious to hear whether the sub-committees can resume meeting.

Commissioner Tenhave spoke of the need for sub-committees to come before the Commission for approval if planning on alterations to Commission property, e.g., new trails.

Commissioner Tenhave stated he would not seek re-appointment when his current term expires in June. He spoke of the capable group sitting on the Commission and of others who have expressed a desire to serve.

With regard to ongoing maintenance of the Commission's website, he would like to turn over the reins to another. The need to create a page for the Sklar Waterfront Park Sub-committee could be used as a training tool.

He suggested the Commission spend time discussing the creation of a listing of specific items the Commission wishes to see with projects that come before it, e.g., stormwater treatment and flow. Commissioner Rosati offered to work on the creation of a handbook. Noted was that the NHACC has a handbook that is a great resource.

Commissioner Rosati questioned the ability to utilize outside volunteers to assist in grant writing, and was told there is no reason that cannot occur. A member of the Commission should be responsible for the oversight of such work.

ADJOURNMENT

MOTION BY COMMISSIONER PERRY TO ADJOURN MOTION SECONDED BY VICE CHAIR SWISHER

A Viva Voce Roll Call vote was taken, which resulted as follows:

Yea: Vice Chair Swisher, Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn,
Commissioner Perry, Commissioner Drouin, Chair Perkins

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Nay:

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MOTION CARRIED

The October 19, 2020 meeting of the Merrimack Conservation Commission was adjourned at 7:52 p.m.

Submitted by Dawn MacMillan