



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

AUGUST 2, 2021

MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, August 2, 2021, at 6:30 p.m. in the Merrimack Memorial Conference Room.

Steven Perkins, Chair, presided:

Members of the Commission Present:

Michael Boisvert, Vice Chair

Gina Rosati, Secretary

Eric Starr

Ellen Kolb, Alternate Member

Councilor Andy Hunter

Members of the Commission Absent:

Cynthia Glenn

Gage Perry

Michael Drouin, Alternate Member

Also Participating:

Matt Peterson, Keach-Nordstrom Associates

Chair Perkins designated Commissioner Kolb to sit in for Commissioner Perry.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS – None

STATUTORY/ADVISORY BUSINESS

- 1. L&F Realty Trust (applicants/owners)** - Review for recommendation to the Planning Board of a Site Plan amendment to modify site lighting and add additional pavement and related improvements. The parcel is located at 396 Daniel Webster Highway in the C-2 (General Commercial), R-4 (Residential), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 032.

Matt Peterson, Keach-Nordstrom Associates, commented PSNH poles go all the way down Route 3. About 20[±] years ago you could have PSNH put a light up on a pole for you. That was

before there were lumens, lighting plans, etc. On the property in question, the bulb blew out. The applicant called PSNH to put in a new light, which was far brighter than what had existed. When the Town visited the site, they discovered the back parking lot had an added area of pavement. A violation letter was written for the lights and the additional pavement.

Keach-Nordstrom has been working with the lighting company to create a new lighting plan and looked at the drainage for the site. One of the advantages is that they have done test pits at the site located at 406 D.W. Highway and know what the sand is there. It is obvious, as you look at the aerials, there is sand in the area that makes its way down to the river through that location. The site had leaching catch basins put in some time ago.

Noted was the area of one of the catch basins that is underutilized; not working and likely never cleaned/maintained.

A lighting plan has been prepared. The lights that are on the pole will be removed. The applicant will have wall packs onsite.

Regarding drainage onsite, the pavement will increase the flow that was going off property from pre to post (.81 CFS 2/year to .96, .98, .11). They propose two additional leaching catch basins as well as fixing the one that is currently in the ground.

The plan currently does not include notes about fertilizer; however, those can be added. It is an existing site for the applicant. Although understanding the leaching catch basins could cause concern, the soils, the cleanliness of the facility, and adding additional leech basins he believes meets the intent of what is looked for with the site.

Asked if the contours shown are what forces the water to the catch basins, Mr. Peterson noted the new section is graded up a little and has been paved (area where cars had been previously on gravel). Now it is getting to leaching catch basins. Asked about snow storage, Mr. Peterson pointed to the location in the back just before the tree line.

Asked about requests for waivers, Mr. Peterson responded the waiver requests have changed. He was asked to put forward a request for a waiver of full site plan review. Being requested are all waivers that will be identified in the zoning section. It was felt that would be the cleaner approach.

The pre and post runoff shows slight increases. The pavement goes uphill. The only thing that could be done was to include catch basins to capture that. There remains an increase from pre to post. He provided the example of the increases; 10-year storm had 1.5 pre and 1.7 post 1.23 pre/1.45 post. It is about a .2 increase for two locations and the third location is the same at 1.21 and 1.21.

Asked if bales would be used for the catch basins, Mr. Peterson stated a preference for block in gravel.

NEW BUSINESS

1. New Hampshire Association of Conservation Commission (NHACC) Handbooks

The New Hampshire Association of Conservation Commissions (NHACC) has published the 3rd Edition of its New Hampshire Municipal Conservation Commission Handbook. This handbook is intended to serve as an introduction for new members to the powers, responsibilities and possibilities of conservation commissions and as a reference for more experienced commissioners. Handbooks are \$20 and include the cost of shipping.

Commissioner Rosati commented when she participated in the NHACC conference in November she was provided a handbook. She believes it beneficial to have 1 or 2 available in the Community Development Department so that Commissioners could review them from time to time. She believes it to be a useful tool. Chair Perkins spoke of the information that can be gained, particularly for new Commissioners.

MOTION BY COMMISSIONER ROSATI TO AUTHORIZE THE PURCHASE OF THREE (3) HANDBOOKS AT A TOTAL COST OF SIXTY DOLLARS (\$60.00).

SOURCE OF FUNDING IS FUND 53

MOTION SECONDED BY CHAIR PERKINS

MOTION CARRIED

6-0-0

OLD BUSINESS

1. Commission to review its Bylaws and see if any changes are necessary.

Chair Perkins commented during the last discussion, the composition of the Commission was questioned.

The Town Charter ([6-1B](#)) states in part: “There shall be a Conservation Commission consisting of seven (7) members. Six (6) of these members shall be appointed by the Town Council for terms of three (3) years, such terms to be staggered. One (1) Town Council member shall be appointed annually to serve as an ex officio member.”

There was discussion of members of the Commission sitting on the Planning Board.

NH RSA [36-A](#) reads in part: “The commission shall consist of not less than 3 nor more than 7 members. In a town which has a planning board, one member of the commission may also be on the planning board.” That would have to be consistent with the Town Charter.

Another question raised was regarding individual Commissioners/project manager’s approving expenditures.

Providing the authority for a member of the Commission to sign off on expenses related to a project they were assigned to manage has been discussed on a few occasions. Unfortunately, no formal action has occurred to amend the Bylaws to permit that.

Past practice has been to include that authority in the motion to approve the expenditure.

Another question raised was regarding only full-time members holding an elected position.

It was noted alternate members only serve/vote when a full member is absent. If only serving as a member when a full-time member is absent, how could an alternate serve as Chair or Vice Chair?

No changes to the By-laws were proposed.

2. MCC Shed Supplies

Councilor Hunter informed the Commission of a discussion he had with Paul Micali, Town Manager. During their discussion, he questioned the liability the Town would be faced with in an instance of volunteers utilizing power tools on Town property. Mr. Micali verified with the Town's insurance carrier that volunteers are covered by the Town's liability insurance.

The insurance carrier provides yearly classes on the proper operation of power tools to employees of the Public Works Department (PWD). The Town Manager recommended volunteers participate in such a class.

Although he indicated it would not be an ideal situation to have volunteers on the properties utilizing such tools, there is a manner to ensure the Town's liability is covered. It was acknowledged it would be a strain on resources for the PWD if having to address all instances of required maintenance.

Town Manager Micali mentioned the PWD strongly advocated that the Commission store tools in a separate location from those belonging to the department.

Chair Perkins commented on the cost associated with proper storage of flammable equipment.

Councilor Hunter suggested battery operated power tools would alleviate the storage of flammable equipment.

Commissioner Rosati questioned the will of the Commission regarding purchasing a shed and equipment or continuing to rely on those willing to provide personal equipment and do the needed work.

Noted was the opportunity to rent equipment. The Commission could consider approving the cost of renting, when necessary. Vice Chair Boisvert spoke of the convenience of having a central storage shed that could be accessed by volunteers, and the avoidance of loss of momentum when having to seek approval, rent equipment, etc. to address an issue that is seen on the properties.

Commissioner Rosati commented volunteers or others could always retrieve the battery the night before wanting to use the equipment so that it could be charged. She suggested the access code should only be shared with the Chairs of the Sub-committees.

Further discussion will be included as an item on the next agenda.

OTHER BUSINESS

Vice Chair Boisvert stated he would be reaching out to Matt Caron to determine whether the New England Mountain Bike Association (NEMBA) would be able to construct the bridge in Grater Woods (replacing stick bridge; Silver Fish Trail). He suggested members of the Commission and the Grater Woods Sub-committee could get together with Matt Caron to do the work if NEMBA is not available.

Commissioner Rosati noted Commissioner Drouin has indicated the rocks blocking one of the trails at the Sklar Waterfront Park were removed by illegal off-roaders. Since the Flying Eagles RC Club wants to cut the pine trees, he recommended that be moved forward and the pines dropped in a way that block all trails where off-roaders travel. The size of the trees is too great for them to cut/move.

Vice Chair Boisvert remarked the trees would have to be moved and placed in the desired location(s). The Flying Eagles have not yet responded to the Commission's inquiries in response to their request.

Commissioner Rosati stated the date for the next meeting of the Wildcat Falls Sub-committee is in discussion.

Commissioner Drouin has indicated the desire for the Commission to explore expanding the parking lot of Wildcat Falls or create a roadmap for getting the bridge built to accommodate additional parking.

Commissioner Rosati noted a discussion of expanding the parking lot already occurred and resulted in a decision not to. The neighbors are not supportive of that. It is not the Commission's parking lot to expand, it is that of the PWD. The Commission has discussed building a bridge. However, that would come at a cost of over a million dollars.

Chair Perkins spoke of having been contacted by a youth ministry group wanting to do community service. They spent a Saturday on trail cleanup in Wildcat Falls.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [July 12, 2021](#)

The following amendments were offered:

The header needs to be replaced with "Merrimack Conservation Commission 07/12/2021"

Page 10, Line 20; replace "Cabanel" with "Micali"

Page 13, Line 9; correct the spelling of "Grater"

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

5-0-1

Vice Chair Boisvert Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Kolb spoke of the now monthly testing done by the Souhegan Valley Watershed Council. The results from last week showed the E. coli level was higher than expected through Milford and Merrimack (was expected to be up slightly due to the rain). Levels did not reach the State's level for banning swimming. An informal report from the volunteer who pulls the information together notes the importance of keeping an eye on sources in the upstream areas.

The riverbanks are a lot cleaner than they were early in the summer.

Commissioner Starr remarked in the middle of the Souhegan River (after the falls) on one of the rock islands, hanging off a tree, is a wheel barrel.

Chair Perkins noted Matt Casparius, Director, Parks and Recreation, has indicated several trails within the Wasserman Conservation Area are blocked by trees. If the location(s) can be identified, he will address the issue.

TABLED

1. Discussion and vote to re-treat the invasive Knotweed that is taking hold again on property off of Brookside Drive. This will require a licensed applicator.

Tabled 9-21-20

ADJOURNMENT

**MOTION BY VICE CHAIR BOISVERT TO ADJOURN
MOTION SECONDED BY COMMISSIONER KOLB
MOTION CARRIED**

6-0-0

The August 2, 2021, meeting of the Merrimack Conservation Commission was adjourned at 7:22 p.m.

Submitted by Dawn MacMillan