



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

AUGUST 20, 2018

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, August 20, 2018 at 6:30 p.m. in the Merrimack Memorial Conference Room.

Chair Gage Perry presided:

Members of the Commission Present:     Matt Caron, Vice Chair  
   Michael Boisvert  
   Cynthia Glenn  
   Gina Rosati  
   Tim Tenhave, Alternate Member  
   Councilor Peter Albert

Members of the Commission Absent:

Also in Attendance:                             Kevin Anderson, P.E., Meridian Land Services, Inc.  
   Jennifer Vadney, Devel. Dir., NeighborWorks Southern NH

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PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

### STATUTORY/ADVISORY BUSINESS

- 1. NeighborWorks Southern NH and The Granite YMCA (applicant/owner)** - Review for recommendation to the Planning Board of a lot line adjustment and site plan to construct a 45 unit multi-family development. The parcels are located at 315 Daniel Webster Highway in the R-4 (Residential) and Aquifer Conservation Districts and portions of the 100 and 500 year Flood Hazard Areas. Tax Map 4D-4, Lots 043-01 and 043.

Jennifer Vadney, Development Director, NeighborWorks Southern NH, provided copies of the Annual Report. The company has been around for just over 25 years, developing affordable housing in Southern New Hampshire. They have over 450 affordable apartments. They retain ownership; have long-term (99 year) land use affordability restrictions.

Kevin Anderson, P.E., Meridian Land Services, Inc., stated in May of this year they received zoning approval to increase the density to 45 units on the site. They are going for multi-family use. This is designed as 9 buildings each with 5 units. The project gained conditional approval from the Planning Board. One of the conditions was obtaining comments from the Commission.

The project is located within the Aquifer Conservation District. The project would include sidewalks throughout the property and a good deal of green space, recreation space, community building, etc.

Stormwater mitigation is all through infiltration basins and treatment swales. It works well with the site's deep sands and gravels. Additional improvements, as a result of many meetings with the Planning Board, include a second means of access out to D.W. Highway. Concerns were raised regarding snow plow trucks turning around at the entry near Angelo Drive. Asked to improve the sewer easement along the back of the property, rather than graveling it, they will do a turf reinforcement to create a lawn able to handle the loads of vehicles, provide aesthetics and gain treatment for any roof water that will flow off the backs of the buildings and towards Horseshoe Pond. In general, the site is relatively flat. There is not a lot of topography change other than the drop off towards Horseshoe Pond.

Mr. Anderson spoke of a previous design for the property done by Melton Associates, which called for a 57-unit elderly housing development. It sat for many years not constructed. The YMCA approached NeighborWorks, which resulted in a slightly less dense project, having a little more open space, a lot more green space, and a lot less asphalt.

Commissioner Boisvert commented on prior issues with the transfer of ownership. Mr. Anderson responded being proposed is an 8.8 acre section of property. It was sub-divided. The remainder of the property extends on the other side of Horseshoe Pond and out to Wright Ave. That will stay under the ownership of the YMCA.

Commissioner Rosati spoke of the proximity to Naticook Brook and indicated the Commission's preference for no phosphate, slow release nitrogen fertilizer. She also noted the need to remove reference to "hay".

Chair Perry spoke of the desire for the use of de-icing compounds to be minimized, and that applicators be Green SnowPro Certified.

When asked for additional clarification of ownership, Ms. Vadney stated NeighborWorks would purchase the land outright, there is a 99-year land use restriction agreement they are required to commit to through the investments of the low income housing tax credit program; all units will be rented to folks at or below 60% of the area median income.

Councilor Albert noted trees would remain along D.W. Highway. Mr. Anderson stated the area to be a small infiltration basin intended to mitigate the small amount of runoff that comes from D.W. Highway. That portion does not have catch basins; flows right onto the property. There is a sidewalk proposed between D.W. Highway and the basin. They are attempting to retain as many trees as possible. There is a bit of a slope in the transition from D.W. Highway down to where the units are. Due to grading, some trees will be removed.

Mr. Anderson noted the project is subject to the Shoreland requirements. They have not yet sent an application in to Shoreland. They have not yet submitted an application to Alteration of Terrain (AoT). Both are pending. Asked about the amount of AoT work expected, Mr. Anderson stated the design is per AoT standards. They were directed to obtain local approval before submitting to the State.

When asked what the community area would be utilized for, Ms. Vadney stated it would be restricted to residents. There would be a small office to help with leasing. Tenants utilize the space for small gatherings. Tenant services will conduct activities or assist with tasks, e.g., resume preparation, job application.

When asked about the Recreation area, Ms. Vadney commented they have had a lot of success with open, green recreational areas. They have done a lot recently with garden boxes. It is open play space. Commissioner Tenhave stated the desire for fertilizer use to be restricted to no phosphate, slow release nitrogen. Mr. Anderson suggested that stipulation apply to the entirety of the site.

Commissioner Tenhave noted the recreation area will be located near water features and asked if there would be information provided to tenants informing them this is a critical wetland area (Naticook Brook). Ms. Vadney spoke of the level of communication with tenants, and stated information on Naticook Brook could be included as part of the move-in packet, etc. Commissioner Tenhave indicated the Commission could provide educational materials that could be shared.

Commissioner Rosati noted the location of a dumpster in the vicinity of the brook. Mr. Anderson indicated both are on concrete pads. The desire is to locate them in areas where they would be frequently used. Commissioner Tenhave remarked as long as any fluids that would come out of them flow into the rest of the catch basin system it is okay. If they shed off into the surrounding landscaping, then there would be the need to request a berm of some sort. Mr. Anderson stated that area sheet flows off through a vegetated treatment swale that discharges towards Naticook Brook. It would treat anything that came out of the dumpster. He indicated he could look into some sort of containment although he would have to ensure it would work with the operations of a dumpster. Commissioner Tenhave commented typically what is seen is berms around 3 sides, which keeps it within a stormwater collection system. Eventually those all go to a treatment swale, so there is likely no difference here as long as it is not free flowing into the property.

Councilor Albert questioned the distance the water rose on the property during the 2006 Mothers' Day flood. Mr. Anderson indicated they have an observation; however not knowing the source of the observation he did not include it in the plan. He believes it coincides with the 100-year flood elevation, which is along the toe of the slope. They have had some contradiction to that with some of the owners of the properties on Island Pond. He has no way to confirm it. He feels very comfortable what they have identified meets the 100-year flood plain. How it compares to that Mothers' Day flood he cannot say.

Commissioner Tenhave commented on the culverts Naticook Brook flows through questioning what would occur with the culverts. Mr. Anderson explained reconstructing 3 (42") culverts that have a sewer interceptor on top and would result in a large wetland impact would be a monumental and costly task, which likely would have impacted the feasibility of the project. They instead worked with the Fire Department to accommodate their request for a second egress to D.W. Highway. Commissioner

Tenhave commented on the lengthy discussion that came up around those triple culverts the last time the plan was brought forward.

Ms. Vadney indicated they are working on securing financing at this time. Ideally, they would break ground this time next year.

Commissioner Tenhave commented the water pipe catching the water coming off D.W. Highway was discussed the last time the plan came forward, and questioned if anything would be done with the long line that flows back behind building 9 and building 1 near Angelo Drive. Mr. Anderson stated, as an agreement and condition of Planning Board approval, they will work with the Public Works Department and State officials. This collects stormwater all the way up Continental, up to the highway, some of the off-ramps. It is unknown. Mr. Anderson indicated he has looked through archive plans that have been truncated and redone and designed again. They will be manually tracing the pipes back. He is uncertain of the size of the network. That pipe currently discharges onto this property. It is in extremely poor condition. This is the time to upgrade it. It is left diagrammatic because he is uncertain of the size. If putting his engineer stamp on it, he will know exactly how much water is flowing to it and then he can adequately mitigate it prior to getting to Horseshoe Pond.

Commissioner Tenhave questioned if that meant he would do whatever improvements are required after it is investigated. Mr. Anderson stated it to be part of the conditional approval. That system from D.W. Highway to Horseshoe Pond will be improved. When asked, he stated one of the reasons a lot line adjustment was done was to allow access all the way down to the edge of wet and water so that he can engineer some way of dissipating that potentially 30" diameter pipe, which, when at full capacity, is a lot of velocity.

Chair Perry spoke of the plantings noting the need to ensure native species are utilized.

Commissioner Rosati commented on the need to be mindful of nesting that may be occurring during the time construction is underway and trees are being removed.

#### NEW BUSINESS - None

#### Grater Woods Ecological Inventory – Moosewood Ecological

Chair Perry informed the Commission he contacted Jeff Littleton, Moosewood Ecological. He will be revising the quote so that costs associated with the educational aspects, e.g., vernal pool parties, will be quoted separately and can be paid through the educational line item in the Town budget.

#### OLD BUSINESS

##### **1. Chapter 111 Update**

Commissioner Tenhave stated there to be no update at this time.

##### **2. GZA quote for "ARM Top 10 List"**

Chair Perry spoke of the formal quote received from GZA GeoEnvironmental, Inc. (GZA) to provide a list of the top ten properties to be considered for submission to the Aquatic Resource Management

(ARM) Fund. The contract has not yet been reviewed by legal, but the terms incorporated came from those used for the water leveling plan.

Commissioner Tenhave stated his support of moving forward with this. In the past, when stormwater projects have come up, and we have needed to find mitigation, we've struggled to recommend projects to developers, etc. This will also give some insight into things the Commission may want to move forward with. Commissioner Tenhave commented realizing it is mostly a document review utilizing GIS and various other data points, at some point we may want to bring GZA back in to put boots on the ground and take a deeper look if something the Commission is more serious about.

Chair Perry indicated he has made both GZA and Moosewood Ecological aware they would both be working on projects around Town at the same time. They will try to get together to make sure they are overlapping on their research and data. A lot of our prime habitat is out in Grater Woods, which is where Moosewood will be doing a lot of work.

**MOTION BY COMMISSIONER TENHAVE TO APPROVE THE QUOTE RECEIVED FROM GZA GEOENVIRONMENTAL, INC. TO IDENTIFY THE TOP TEN PROPERTIES THAT BEST FIT THE CRITERIA FOR APPLICATION TO THE AQUATIC RESOURCE MANAGEMENT FUND, TO AUTHORIZE THE CHAIR TO SIGN, AS REQUIRED, AND MAKE ANY MINIMAL ADJUSTMENTS UP TO A TEN PERCENT (10%) CHANGE IN THE QUOTED PRICE. THE SOURCE OF FUNDING IS FUND 53**

**MOTION SECONDED BY COMMISSIONER ROSATI**

**MOTION CARRIED**

**7-0-0**

#### OTHER BUSINESS

- Discussion on communications or correspondence received concerning regulated MCC activities and any issues concerning MCC managed lands
- Scout Project Updates

Chair Perry commented the Scout project of an observation deck in Grater Woods is being put on hold. Construction started in an area that was quite a bit further from the area the Commission had anticipated, and it was rather close to the water. He met with the Scout work crew to review the original proposal and map and went out to look at the site. It was pretty evident it needed to be moved back to where the original proposal indicated. They were able to move the pilings, have the new site located, and they will be back on September 1<sup>st</sup> for a work day.

Commissioner Rosati stated Life Scout Brigham Parker presented to the Town Council at its last meeting (Outdoor Classroom), and received unanimous approval to move forward. He was asked to contact the School Superintendent to make her aware of the project.

Scout Parker will be doing a fundraising pancake breakfast at 110 Concord Street on September 22<sup>nd</sup>. September 29<sup>th</sup> is the project build date (rain date October 13<sup>th</sup>), and the project is expected to be complete by October 20<sup>th</sup>.

At the last meeting, Life Scout Sidhanth Dhanaraj presented his project; kiosk at Sklar property. He is aware of the need to present to the Town Council. The date of that presentation is not yet known.

Life Scout Carson Petrie's project is the construction of benches at Grater Woods. The intent is to construct the benches between September 22<sup>nd</sup> and October 6<sup>th</sup> with a hopeful completion date of October 12<sup>th</sup>.

- Sub-committee Updates

Vice Chair Caron spoke of the area of Wildcat Falls once crossing under Merrill's Marauders Bridge and coming down behind the high school. The trail that was improved has become completely overgrown. There are approx. 5 trees down across the trail that require the use of a chainsaw to remove. Permission would be needed from the school district to do the work on that property. Councilor Albert commented several years ago while on the Police Department, he contacted the School District to see if they would improve the trail so that the cross country team could utilize a trail that would allow them to reach the footbridge. It never really went anywhere. Commissioner Tenhave commented it has improved in that time, but the discussion brings up the likelihood there is a maintenance issue.

Commissioner Boisvert questioned if the reason it cannot be incorporated into the Wildcat Falls Sub-committee is because it is on school property. Commissioner Tenhave responded there is State property and school property. It has kind of been under the auspices of the Town Center Committee and the Town Center Trail, but that has been waiting for funding in order to put the pass through under the Chamberlain Bridge, etc. Eventually it will be a well maintained, groomed, and well used trail system.

Commissioner Tenhave noted the Commission owns a 1-acre square right along the river, which is on the east side of the powerline easement. The west side of the powerline easement, heading towards the highway, is the School District property. Vice Chair Caron stated three of the trees are down along the trail that goes around the softball field. One is likely on Commission property.

#### Fields Farm

Commissioner Tenhave spoke of efforts to form a sub-committee. Adjacent to the property is 20+ acres that will eventually be owned by the Commission as it will come out of the Windy Hollow development. That developer is wrapping up all building activities, etc. Some time this winter we should be able to communicate with them and talk about doing the land transfer.

#### PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . August 6, 2018

*The following amendment was offered:*

Page 6, Line 23; replace "Wood" with "Woods"

**MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED  
MOTION SECONDED BY COMMISSIONER TENHAVE**



**MOTION CARRIED**

**6-0-1**

*Commissioner Glenn Abstained*

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Councilor Albert remarked, at the last meeting, Commissioner Tenhave questioned if issues related to the Commission were discussed at the Town Council Retreat. The Council did discuss enforcement of OHRVs on the properties, use and protection of those properties, and continuing to hear from the Commission in regard to any assistance needed.

The Council believes there to be ample conservation land. If the Commission wished to add land in the future, the Council would look for a presentation/request to be made. There are 1,600 acres of beautiful conservation land that has been protected, but that requires a good deal of maintenance and care.

He had brought up the Sklar property, e.g., enforcement, requesting the Police Chief provide a police presence. At that time, the Town Manager mentioned she had inquired, and the Chief had indicated they had not had any issues in that area. Commissioner Boisvert commented every time he has been on the property he has witnessed problems.

Commissioner Tenhave questioned if the Town would be willing to transport if the Commission were able to locate a source of boulders. Councilor Albert commented Kyle Fox, Director, Public Works Department, would put it on his punch list. He has started the conversation. Commissioner Tenhave commented on being aware of a possible source.

Vice Chair Caron spoke of the signage that was discussed and Commissioner Boisvert's efforts that resulted in the cost of the signs be covered by a third party. Commissioner Boisvert expressed his gratitude to River Network. The total cost was approx. \$700, which was well above the estimate of \$400. River Network offered to cover the cost.

Vice Chair Caron noted the Commission voted to expend funds to cover the cost of the signs. Posts will have to be sunk. Renting an auger would be preferred. He suggested the funds approved for purchase of the signs be utilized for posts and a post hole digger.

**MOTION BY VICE CHAIR CARON TO APPROVE THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED FOUR HUNDRED DOLLARS (\$400.00) TO COVER THE COST OF RENTAL OF A POST HOLE DIGGER, POSTS, AND MISCELLANEOUS ITEMS REQUIRED TO AFFIX SIGNS TO POSTS. FUNDS ARE AVAILABLE IN FUND 53**  
**MOTION SECONDED BY COMMISSIONER GLENN**

**MOTION CARRIED**

**7-0-0**

ADJOURNMENT

**MOTION BY COMMISSIONER TENHAVE TO ADJOURN**

**MOTION SECONDED BY COMMISSIONER GLENN**  
**MOTION CARRIED**  
**7-0-0**

*The August 20, 2018 meeting of the Merrimack Conservation Commission was adjourned at 7:44 p.m.*

Submitted by Dawn MacMillan