



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

JULY 15, 2019

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, July 15, 2019 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 (arrived at 6:34 p.m.)
 Steven Perkins
 Gina Rosati
 Eric Starr, Alternate Member
 Michael Swisher, Alternate member
 Tim Tenhave, Alternate Member
 Councilor Peter Albert

Members of the Commission Absent:

Also in Attendance: Richard Maynard, P.E., Maynard & Paquette Engineering
 Chris Bova, Manager, Crosswoods Path III, LLC.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

1. **Crosswoods Path III, LLC (applicant) and DW Development, LLC (owner)** - Review for recommendation to the Planning Board for a site plan to construct 21 multi-family residential and 3 office units. The parcel is located at 747 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation, and Planned Residential Development Overlay Districts. Tax Map 7E, Lot 046-54.

Richard Maynard, Professional Engineer, Maynard & Paquette Engineering Associates, LLC. and Christopher Bova, Manager, Crosswoods Path III, LLC. The property is located at the corner of Daniel Webster Highway and Crosswoods Path Boulevard. The project proposes 60' x 190', three story building with walk out basement. It will consist of 21 residential units and 3 office units. The

site will drain from the intersection of Daniel Webster Highway diagonally across the lot to the right, rear corner. A large retention basin is proposed off of the parking lot to catch all stormwater runoff from the site. The retention basin will capture the water and recharge it into the ground. Soils are excessively well drained, and no drainage will runoff to either Crosswoods Path Boulevard or offsite. All improved areas and asphalt areas will drain to the retention basin.

Commissioner Tenhave questioned how the water would be directed to the retention basin, including the roof structures.

Mr. Maynard responded that surface runoff using the contours and elevation of the site will be used as a means to direct the water. It will run to the rear of the parking lot and into the retention basin. The roof will have gutters and water will sheetflow across the parking lot. No piped drainage will be used.

Commissioner Tenhave inquired if the retention basin extended to the edge of the property lines.

Mr. Maynard stated that it did not. On the northern section the basin will go to the setback lines and the remaining is within the property. The right section of the property will be preserved as open space.

Commissioner Tenhave questioned if the contours were sufficient so that the front parking lot will channel water to the rear parking lot and then channel into the retention basin.

Mr. Maynard confirmed it would. The spot elevation shows that the water will channel down the two driveways along either side of the building into the rear parking lot and runoff to the right off the parking lot towards the back right-hand side and overland to the retention basin.

Chair Perry commented that several notes throughout the plan had mention of hay being used. It was requested for all notes referencing the use of hay to be removed and updated to reflect the use of only straw on site.

Mr. Maynard confirmed he would remove any reference to hay and add an additional note to state that "no hay will be used on site."

Chair Perry commented that soil testing should be completed prior to the application of any fertilizers. The site is within the Aquifer Conservation District and the uses of phosphate fertilizers are not allowed. The notes on the plan regarding fertilizers will need to be updated.

Commissioner Tenhave inquired about the Stormwater calculations.

Richard Maynard provided the Commission a written summary of the Stormwater report.

Commissioner Swisher commented about the North corner, closest to Daniel Webster Highway. The concern was that some of the water could runoff down to the abutting business.

Richard Maynard said that the area would not be changing. If anything did fall onto the pavement, it would be taken to the retention basin. The contour and the grading in the corner will remain the same.

Commissioner Swisher commented that the parking lot does not currently exist and will create new impervious surface area. Based on the plan, it appears that a portion of that corner will not be captured by the retention basin.

Richard Maynard explained that the down-sloping changes on grade will direct the water. The driveway will be graded to slope to the retention basin.

Commissioner Tenhave inquired about the flow being directed toward the building.

Richard Maynard explained that there was both a sidewalk and curb against the building between 6 to 18 inches higher than the pavement as well as the grassy area is also slightly raised above the pavement.

Chair Perry recommended the use of a Green SnowPro trained professional for snow removal. Training is sponsored by the State of NH, and this is always a preference being in the Aquifer Conservation District.

Chris Bova stated he was familiar with the program and he currently uses this now with other properties he owns/manages.

NEW BUSINESS

1. Unpermitted removal of water from wetlands – South Baboosic Lake Road

Chair Perry commented that he did place a call to NHDES, however at this time they have not followed up with what direction to take this issue.

Councilor Albert did receive information that this type of activity would require land owner permission. The truck in question is parking on the side of the road, this would make the Town of Merrimack the land owner.

Commissioner Tenhave questioned whether anyone was aware of this business owner receiving permission from any department within the Town. If not, it would appear there is a current violation.

Councilor Albert questioned if the Town would need to adopt a formal rule or would the rules currently in place with NHDES be sufficient for an enforcement action. What if a formal rule is not made and the activity continues?

Commissioner Tenhave questioned if the NHDES rules have any enforcement. The Conservation Commission may not have jurisdiction to govern the bodies of water. One of the roles of the Conservation Commission is to oversee the water resources in the community, as such would like to be involved in any discussion that would establish or not establish any rules overseeing these types of issues.

Councilor Albert commented that he would want the input of the Conservation Commission as well as someone from NHDES to discuss the possible damage if any being done.

Commissioner Boisvert commented about the location where the truck is pulling over as in the past the sandy area has been a turtle nesting site where eggs have been buried and hatched.

Commissioner Tenhave raised concern for the amount of water being removed and at what rate, as well as possible cross contamination from the hose being put into the water.

Councilor Albert will follow up with the Town Manager to see if a legal opinion can be received.

Chair Perry will follow up with NHDES.

This item will be discussed on a future agenda.

2. Annual Meeting of the Commission

- Commission to review its by-laws and see if any changes are necessary
- Commission to hold its annual election for Chairperson and Vice Chairperson

Chair Perry commented that a copy of the by-laws were absent from the information provided to the Commission.

It was decided that this item would be continued to the next agenda.

Commissioner Tenhave made a suggestion for the Commission to consider creating a new officer position as Secretary. This person could be responsible for correspondence, comment letters, mail, email, administration of the website, etc. This would help alleviate the Chair from having to do this on top of the other activities of the Chair role. Someone would need to be elected to that position.

Chair Perry stated that the position could not be formally created until the by-laws were changed.

Chair Perry called for nominations for Chair of the Merrimack Conservation Commission for the 2019-2020 term.

**COMMISSIONER ROSATI NOMINATED MATT CARON
SECONDED BY COUNCILOR ALBERT**

**VOTE ON ELECTION OF MATT CARON TO THE POSITION OF CHAIR OF THE
MERRIMACK CONSERVATION COMMISSION FOR THE 2019-2020 TERM
MOTION CARRIED
9-0-1, Chair Caron Abstained**

Commissioner Matt Caron declared Chair of the Merrimack Conservation Commission for the 2019-2020 term.

Chair Perry called for nominations for Vice Chair of the Merrimack Conservation Commission for the 2019-2020 term.

**COMMISSIONER ROSATI NOMINATED STEVE PERKINS
SECONDED BY CHAIR CARON**

**VOTE ON ELECTION OF STEVE PERKINS TO THE POSITION OF VICE CHAIR OF THE
MERRIMACK CONSERVATION COMMISSION FOR THE 2019-2020 TERM
MOTION CARRIED
9-0-1, Vice Chair Perkins abstained**

Commissioner Perkins declared Vice Chair of the Merrimack Conservation Commission for the 2019-2020 term.

OLD BUSINESS

1. Chapter 111 Update

Commissioner Tenhave briefly reviewed the type of information that had been compiled over the last year and the history of that information was downloaded to a CD that was provided to all members at the last meeting. The next step would be to review deed and restriction information and assign each parcel a category type.

Commissioner Glenn reviewed the allowed uses at Fields Farm. Based on the list of allowable uses, it could be interpreted that no shooting/hunting is allowed on this parcel per deed restrictions.

Chair Caron was interested in researching Gilmore Hill Memorial Forest, based on the condition of the road and the listing of the parcel on the historical registry. This parcel should be reviewed further and consideration made to adding it to Chapter 111.

OTHER BUSINESS

1. Sub-committee Updates

Commissioner Glenn announced the next meeting for the Horse Hill Nature Preserve Subcommittee is scheduled for July 29th. There are 3 members whose terms are due for renewal, all 3 members would like to continue their terms.

COMMISSIONER GLENN MADE A MOTION TO RENEW TERMS FOR FULL MEMBERS PETER MIKOLAJCZUK AND LYNNE WENZ AS WELL AS ALTERNATE MEMBER TIM ADAMS OF THE HHNP SUBCOMMITTEE TO CONTINUE THEIR TERMS TO JULY 31, 2022

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

The Commission would like to thank them for volunteering and their service to the subcommittee.

Commissioner Rosati announced that the next WildCat Falls meeting is August 13th. A review of current terms will be made to see if any members are due for renewal.

Chair Caron discussed the last meeting for Grater Woods was held at the outdoor classroom. Different areas of the property were visited and discussed. A volunteer has agreed to do a lot of the trail brushing to help clean up the narrow trails that are becoming overgrown. The next Grater Woods meeting is scheduled for September 10th. A review of current terms will be made to see if any members are due for renewal.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [June 17, 2019](#)

The following amendments were offered:

Page 5, Line 9; remove extra period

Page 5, Line 22; replace “lease” with “leash”

Page 6, Line 25; replace “indicated” with “indicate”

**MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
7-0-0**

PUBLIC COMMENT

COMMISSIONER COMMENTS

Commissioner Rosati discussed the wildflower seeds that were planted and the concern that although there is growth, it looks like grass. It was discussed that there was a possibility that grass may have taken over. Commissioner Rosati will continue to monitor the growth as the wildflower seeds may require more time to become established.

Commissioner Tenhave announced that at the last meeting of the Nashua Regional Planning Commission he was elected to the Executive Committee.

Commissioner Glenn made a follow up comment from the last meeting regarding the revisions to the current Subdivision regulations. A public hearing will be held on Tuesday, August 6, 2019 at 7:00 pm to review both the revised Subdivision and Site Plan Regulations. It was noted that many of the Commissions regular comments regarding non-invasive species, fertilizers, and winter maintenance were now incorporated as regulations.

ADJOURNMENT

**MOTION BY CHAIR CARON TO ADJOURN
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED
7-0-0**

The July 15, 2019 meeting of the Merrimack Conservation Commission was adjourned at 8:12 p.m.

Submitted by Sharon Haynes