

MERRIMACK CONSERVATION COMMISSION
JUNE 18, 2018
MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, June 18, 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

Members of the Commission Absent: Councilor Peter Albert

Also in Attendance: John Sokul, Esq., Hinckley Allen
Robin Gotshall, VP, Assoc. Gen. Counsel, Fidelity Investments
Henry Ebosh, Head of Operations, Zippity Cars
David Fenstermacher, Vanasse Hangen Brustlin, Inc.
Sherrie Trefry, Vanasse Hangen Brustlin, Inc.
Brian Daigle, Vice President, Fidelity Investments
Beverly Cusato, 3 Fields Farm Road

PUBLIC COMMENT

Commissioner Glenn introduced Beverly Cusato. Ms. Cusato was a volunteer involved with the cleaning of the Sklar property. She was in attendance to learn more about the Commission as she is considering serving the community through membership.

PUBLIC HEARINGS - None

APPOINTMENTS

- 1. FMR Realty LP/FMR Merrimack Realty Trust (applicant/owner)** - Review for recommendation to the Planning Board to allow a mobile automotive service and repair use (auto maintenance service trailer) on the Fidelity Investments campus. The parcels are located at 2 Contra Way and 1 Spartan Way in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191 and Tax Map 2C, Lot 113.

Vice Chair Caron recused himself.

John Sokul, Esq., Hinckley Allen, stated, as an employee amenity, Fidelity has utilized the Zippity Cars service, which is an auto detailing and minor automotive repair, self-contained, customized trailer that is brought onto the campus a few times a month. While working, employees can take advantage of the services offered. The trailer is driven onsite at the start of the day and driven off at the conclusion.

As the campus is in the Industrial Zone, this use required a special exception by the Zoning Board. Planning Board approval was also required as the use is a modification to the existing site plan approval. A condition of their approval was that any recommendations of the Commission be adhered to.

Attorney Sokul stated his understanding the focus of the Commission is wellhead protection/groundwater protection, and noted Fidelity is very concerned about environmental protection as well. They went before the Planning Board with two preferred locations and were informed the activity could occur anywhere on the site. The preferred location happens to be in a wellhead protection area. It is a paved area where parking already occurs. The other is outside of the wellhead protection area, but in a busier area for the campus.

The trailer is 8½' wide by 26' long. Fidelity typically provides two parking spots end to end and they fit nicely inside that footprint. Vehicles enter the trailer and are fully contained while work is being performed.

Henry Ebosh, Head of Operations, Zippity Cars, stated there to be three levels of containment. Vehicles are driven inside the sealed/weather tight trailer. There is 15" below of containment. The oil that comes out of the vehicle is contained in a 20-gallon container. There is a 25-gallon spill kit. They only bring onsite what is needed; if there is an 8 car day they only bring in enough materials to service those 8 cars. They have a partnership with Advance Auto Parts and drop off the oil with them each day. They are never bringing significant quantities of oil onsite.

Robin Gotshall, VP, Assoc. Gen. Counsel, Fidelity Investments, reiterated the preferred location is on the periphery of the parking lot. It is believed the safest area for those utilizing the site.

The unit is weather sealed. It is equipped with a small fuel injected generator (42 decibel). Commissioner Tenhave questioned, and was informed operators are trained in how to address a spill should one occur. A copy of the Emergency Response Plan (with spill prevention) will be provided to the Planning Board.

Chair Perry questioned how the generator is refueled and was informed typically 5 gallons will run the operation for about 3 days.

It was noted the practice utilized was run by Suzanne Warner, EPA, and was accepted.

Chair Perry commented on the level of containment. Commissioner Tenhave questioned and was informed the process is a two-technician process; one technician drives the vehicle and the other is bringing him into the mobile service garage.

The Commission requested the Planning Board receive a copy of the Emergency Response Plan.

- 2. Devonshire Energy, LLC. (applicant) and FMR Realty LP/FMR Merrimack Realty Trust (owners)** - Review for recommendation to the Planning Board to construct an approximately 12 acre solar array field. The parcels are located at 2 Contra Way and 1 Spartan Way in the I-2 (Industrial) and Aquifer Conservation Districts. Tax Map 2C, Lot 113 and Tax Map 3C, Lot 119.

David Fenstermacher, Vanasse Hangen Brustlin, Inc. (VHB), stated the project was submitted to the Planning Board for site plan review. A portion of the site is within the Aquifer Conservation District.

Brian Daigle, Vice President, Fidelity Investments, noted a few years ago Fidelity developed an internal sustainability program to reduce the environmental impact of its operations. He became involved in the 2013-2014 timeframe when a decision was made to increase usage of renewable energy to offset the environmental impact of the electricity usage. In 2014, they constructed 22 megawatts of solar farms (4 farms at approx. 40 acres each) in North Carolina. They are not on the campus (leased land). Those four farms bring the renewable energy usage to about 10% of electricity usage globally. He has been on a crusade to increase the renewable energy usage through other means, e.g., buy more renewable energy assets, looking into power purchase agreements with offsite assets owned and operated by others.

With the proposed project, they are looking to own the asset and build it on the campus in an area that has some existing clearance. The area is very sandy and does not have a lot of tree coverage. The proposal represents the first large scale ground mounted system on any of their campuses in the country. It will add about 2% renewable energy. A very similar project is being looked at for their Smithfield, RI campus, which would add another 2%.

The desire is for a larger renewable energy commitment (40-50%). The technology center, e.g., Apple, Google, Microsoft have all made 100% renewable energy commitments. Another reason the project is exciting for Fidelity is an on campus project will resonate with their like-minded associates and potentially with customers as well.

Mr. Fenstermacher reiterated the project would be located in an existing open area, close to the F.E. Everett turnpike; preserving usable green space. Abutting properties include State owned land, which will have a 200' buffer and residential abutters will have an additional 300' buffer beyond that. There is an existing access off Thornton Road, which will be maintained. A temporary construction access road will be constructed through the campus (where overhead wires will go for connection to Eversource).

From a standpoint of impact, it is an unmanned operation; no real traffic outside of regular maintenance. No sewer or water will go out to the area. From a stormwater standpoint there would not be much new impervious area (3 transformer pads). The posts themselves are considered impervious but the panels are not. They are mitigating the stormwater peak rate increase through surface ponds and infiltration trenching. The wetlands have been delineated and all setbacks set. There is no real wetland impact. The project was before the Commission because a portion of it is located within the Aquifer Conservation District. The components are the fencing, panels, and three transformers.

Commissioner Rosati questioned the number of trees that would be removed and was informed it would be in the area of 9-12 acres. It is expected removal of trees would occur late summer/early fall (after nesting season). Mr. Fenstermacher commented the Natural Heritage Bureau (NHB) has indicated there are violets and snakes onsite. Construction monitoring will be conducted, and they will work with Fish & Wildlife and NHB to monitor those species during construction.

Commissioner Boisvert noted a wetland located in the middle of the solar array field. Mr. Fenstermacher noted a 40' setback off of that wetland. The intent is to utilize existing grades. There

are some maximums they have to deal with for access, slopes, and some ledge that will have to be dealt with. The intent is to respect the 25' do not disturb and from the 40' not placing any structures within the setback.

Mr. Daigle commented most of the tree clearing occurs in an area near land already cleared. When asked if there would be blasting, Mr. Daigle stated it is not believed to be necessary. When asked to clarify, he stated, at this point, they could not guarantee there would be no blasting. The intent is not to blast. The ledge situation beneath the surface is hard to gauge at this point. The racking system that the solar panels will be built on will be screwed into the granite, existing grading, etc. Overhead lines will be run (pre-drill and stake). Mr. Daigle remarked for the interconnecting wiring system, it is usually trenched. If there is significant ledge they would need to blast to do that, but they could surface mount it to get around that. Chair Perry remarked, particularly over wellhead areas, blasting has been found to be pretty dangerous.

Mr. Daigle commented the solar panels would be located on campus and blasting on the campus would not be well received. He spoke of concern expressed when blasting occurred at the Merrimack Premium Outlets. He stated if the Commission needed from him assurance that there would be no blasting he would make that pledge. He reiterated the reason for doing the project is to try to reduce their environmental impact.

Commissioner Tenhave remarked the largest Town well is across Continental Boulevard from the Fidelity facility.

Commissioner Boisvert questioned how the output of the solar array compares to the usage of that facility and was told it is 12% of the building that will be fed and roughly 6% of the campus.

Once built, the area will be seeded over, a pollinator mix will be used for seeding. Grass is only mowed occasionally to keep saplings from growing in.

Commissioner Rosati stated her only concern to be with the number of trees being removed; however, if that activity does not take place until after nesting season, she feels a little better about it. Mr. Daigle stated that is a concern and why the location was chosen. When asked why the trees were removed originally, he stated his belief the area was previously a sand pit. Commissioner Tenhave commented there are a number of strategic sand pits along the Everett Turnpike that were used for materials when the Turnpike was constructed. It could be one of those.

Mr. Daigle commented, from his perspective, if clearing trees, doing so for solar is a reasonable tradeoff at least from a greenhouse gas perspective. One acre of solar operating for a year has the greenhouse gas avoidance of over 100 acres of densely forested trees' greenhouse absorption ability. Commissioner Rosati stated she wholeheartedly supports solar.

Commissioner Tenhave requested additional clarification of how stormwater will be addressed. Mr. Fenstermacher responded stormwater will be collected in some low points to mitigate the peak rate. Mr. Daigle remarked it actually falls through the cracks of the panels as well. They are separated on the racking system by about ½ to 1". They are on a 20 degree angle. When water hits them it doesn't all just cascade down in one spot, it falls between the cracks. Mr. Fenstermacher added the advantage of the posts is they are not fine grading; taking existing drainage patterns, dropping the posts in, and matching those, and at the natural low points, putting in areas for detention.

The intent was to have the temporary construction access be gravel and then loam and seed after. They are working with the Fire Department on the potential for that to be permanent. They met with DES to discuss the possibility, and if occurring, having vegetative strips and maximizing the distance from wetlands (over 50').

Commissioner Rosati questioned if there are plans to increase the size of the solar panel field in the future and was told there are not.

Commissioner Glenn questioned the type of solar noting there are two different types. If the type that the panels shine up, there could be harm to birds. Mr. Daigle stated that type to be concentrated solar, which you see out in the desert. They shine up as they are mirrors. They focus the solar energy to a concentrating collector/vertical column. What is proposed is not that type. No birds are harmed in the process.

Silt sock will be utilized with composting mix. Chair Perry stated the desire to ensure it is clean/dead compost.

Commissioner Tenhave questioned whether fertilizing would occur at the onset and was informed it would not. Commissioner Tenhave noted that would be the preference of the Commission. Mr. Daigle remarked, if the initial seeding did not take it could be done again the following year. Mr. Fenstermacher stated that would be incorporated into the construction notes.

The recommendations of the Commission were that no blasting occur (if required, notice would have to be given), avoid removal of trees during nesting season, native seeding, and no fertilizer use.

STATUTORY/ADVISORY BUSINESS - None

NEW BUSINESS

1. Review of Merrimack property listing for updates to Chapter 111

Commissioner Tenhave spoke of having gone through the list of all Town owned properties. He added to it columns for a designation of whether or not a property should be on the list of properties included in Chapter 111 and one for common names for each property.

He identified properties that should be included in Chapter 111, those that need not, and those that he questioned. The ones he questioned get into a policy decision; a lot are back lots that happen to abut or be along Baboosic Brook or other waterways.

For properties identified to be included, he noted those that, to his knowledge, have conservation deeds or require protections through Ordinance. Those he left off the list were properties that are not experiencing issue(s), those which are landlocked, small in size, etc. If, at some point, it is believed another property should be added, the mechanism for doing so is in place.

Commissioner Tenhave stated the need for the Commission to identify a recommended list of parcels to include based on the limited information on hand at this point. The list will be passed to the Town Manager and her staff who will review it and provide feedback. Once a final list is arrived at, a review will be conducted of deeds and other pertinent documentation to understand if there are already

protections or restrictions on the properties. From there the process of categorizing the properties will begin.

He suggested it would be a good secondary exercise for someone to do a review of those properties that would be excluded as there could be information brought to light that may change the designation.

Commissioner Tenhave questioned if Commissioners had specific questions regarding any of the properties and designations. Commissioner Boisvert commented the properties he spent the most time reviewing are the ones identified as questionable.

When asked about #47, Commissioner Tenhave noted the Town owns what was originally thought to be a building lot on Wilson Hill Road that now connects to one of the conservation properties. Not only through South Grater Road, but through this parcel, there is direct connection to that 80± acre parcel. The Deed for that has it marked as green space. It was never built on and was provided to the Town. His comment was that it could be another access point to Grater Woods. However, as long as South Grater Road is in place that may not be desired as it would be more disturbing to the neighborhood. If included on the list the question would be what restrictions would be desired for the parcel. The intent of inclusion in Chapter 111 is to have restrictions that are enforceable through an ordinance.

The consensus of the Commission was to add #47 to the list.

Commissioner Boisvert questioned the parcel located on Mayflower Road. Chair Perry spoke of the current condition of the property and his opinion there is nothing there to protect any longer.

Commissioner Boisvert spoke of the areas on Baboosic Brook. Commissioner Tenhave stated most are along Brookside Drive, but there are others; some connected some not (from Mitchell Woods out to Wire Road). Commissioner Tenhave commented the question is do they need any protections in the form of an ordinance.

Chair Perry commented the main part of Mitchell and Watkins Forest gets a lot of use, mainly from local residents. It is not a great place to walk; loaded with deer and ticks. Commissioner Tenhave noted where the new well will be located should be included in the ordinance separately (#105; new lot). The well brings along with it restrictions, but if put in the form of an ordinance, law enforcement has additional enforcement capabilities.

Commissioner Tenhave recommended #78 be added as it is part of the same wetland structure as parcels that are already under the ordinance.

Chair Perry spoke of the smaller properties owned along the stream (Watkins Forest). Klara Drive has had issues of dumping.

The Commission wished to protect all the property along the brook.

The consensus of the Commission was to add to the list #s 102-105, 108 – 112, 127 – 132, and the back lot on Joppa Road.

The Commission agreed #s 113 and 114 would be excluded from the list.

The Commission discussed the characteristics of the remaining properties for which inclusion on the list was questioned and determined *#s 10, 11, 98, 150, and 158 should be added to the list and #s 14, 21, 24, 70, 97, and 138 excluded.*

Commissioner Rosati volunteered to research further **#155**.

The list will be handed over to the Town Manager and her staff. Feedback will be provided after which an agreed upon list will be used to begin the process of documentation review, e.g., pulling deeds.

Commissioner Tenhave noted he would meet with staff at the Library the following week to discuss the research they volunteered to do.

OLD BUSINESS - None

OTHER BUSINESS

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

Bike Demos at the Horse Hill Nature Preserve (HHNP)

Vice Chair Caron spoke of the bike demos at the HHNP discussed at the last meeting noting the first event went very well. There were 50 participants over the course of the day. A request has been received to move and split the second event. The original request was for July 22nd. The current request is for July 29th and August 11th.

Commissioner Tenhave spoke of the number of cars that were parked up and down Amherst Road during the first event. He stated concern with cars ending up in the neighborhoods. The parking lot can handle 60 cars. Commissioner Rosati questioned if the desire would be to require the hiring of a Police Officer to direct traffic. Commissioner Tenhave commented he is uncertain if the Police Department has a problem with the parking situation. Commissioner Boisvert questioned if the location of the trailer may have been such that it discouraged others from parking in the lot. Commissioner Glenn questioned if the splitting of the event into two days could address the issue.

Vice Chair Caron will request they encourage participants to park in the parking lot.

Signage at Sklar Property

Commissioner Boisvert spoke of the discussion that occurred at the last meeting regarding the offer by River Network to cover the cost of the signs for the property if the verbiage was educational in nature. They wished to have the Commission purchase the signs and have the vendor (Classic Signs) direct bill them (up to \$400 in value). Commissioner Boisvert spoke of the need to determine what is required for the site. Vice Chair Caron suggested it may be worthwhile to walk the property with an employee of Classic Signs, explain the budget, and look for recommendation(s). Commissioner Boisvert suggested the need for a few large signs. Vice Chair Caron suggested a dual purpose; kiosk/sign. Vice Chair Caron and Commissioner Boisvert will work with Classic Signs.

**MOTION BY CHAIR PERRY THAT VICE CHAIR CARON AND COMMISSIONER BOISVERT
WORK WITH THE VENDOR, CLASSIC SIGNS, TO GENERATE SIGNAGE FOR THE SKLAR
RIVERFRONT CONSERVATION AREA AT A COST NOT TO EXCEED FIVE HUNDRED
DOLLARS (\$500.00) TO BE BILLED TO RIVER NETWORK
MOTION SECONDED BY COMMISSIONER ROSATI
MOTION CARRIED
6-0-0**

Scouting

- Viewing Deck at Grater Woods

Life Scout Jack Elliott has indicated fundraising efforts will be conducted on June 9th. The first few work days are anticipated for early July.

- Walking Sticks - HHNP

Joan Lord reached out to Commissioner Glenn regarding the Girl Scout project.

- Project Requests

Life Scout Brigham Parker, Troop 48, Merrimack, contacted Vice Chair Caron. They met the previous week. Life Scout Parker is looking to take on the project of the Outdoor Classroom. Vice Chair Caron questioned if the Commission wished to send him to the sub-committee or have him come directly before the Commission noting the sub-committee has seen a number of presentations on the Outdoor Classroom, are very supportive of the Outdoor Classroom, the project would have to come before the Commission, and Life Scout Parker would like to present to the Town Council in the very near future. It was suggested preliminary plans could be distributed to the sub-committee membership and Life Scout Parker could be placed on the Commission's next agenda.

Life Scout Sidhanth Dhanaraj, Troop 261, Nashua, reached out to Commissioner Rosati. She suggested a bridge at Wildcat Falls. She could also suggest a kiosk, fitness trail, etc. She is awaiting a return call.

ReGreen Springfield

Professor David Bloniarz is the President of ReGreen Springfield and has created apps that generate a list of where trees will survive, types of soils, etc. all for the purpose of urban forestry. Chair Perry questioned the will of the Commission relative to sponsoring an event around urban forestry, e.g., talk and walk.

Chair Perry will request additional information that could be provided the Commission. In a communication received, Professor Bloniarz indicated two Saturdays in the month of August that he would be available. There would be no cost.

Commissioner Glenn suggested a topic could be planting material that could be utilized in lieu of grass seed.

Commissioner Rosati suggested a topic for discussion could be the reasons behind testing soil before utilizing fertilizer.

Commissioner Tenhave commented on the number of bee keepers in Town and suggested there could be discussion of what could be done on Commission properties to provide for activities related to that.

- Sub-committee Updates

Horse Hill Nature Preserve

Commissioner Glenn remarked it is anticipated a few Girl Scouts will be in attendance for the next meeting to discuss the walking stick project.

Wildcat Falls

Commissioner Rosati spoke of discussion that occurred regarding a Lyme Disease notice that could be posted at the kiosk. She provided a copy of the notice utilized by the State. It will be laminated and posted.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. June 4, 2018

The following amendments were offered:

- Page 3, Lines 28, 38, and 44, replace “Cycles, etc.” with “Cycles Etc.”
- Page 5, Lines 7 and 46; correct the spelling of the name Sidhanth Dhanaraj
- Page 5, Line 15; correct the spelling of the name Joan Lord
- Page 5, Line 23; capitalize “Scouts”
- Page 6, Line 1; replace “needed” with “need”
- Page 6, Line 2; capitalize “Scout”
- Page 6, Line 40; Capitalize “Scouting”
- Page 7, Line 13; replace “Riverworks Printing” with “River Network”
- Page 8, Line 31; add “the” before “Outdoor”

MOTION BY COMMISSIONER BOISVERT TO ACCEPT, AS AMENDED

MOTION SECONDED BY COMMISSIONER GLENN

MOTION CARRIED

6-0-0

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Chair Perry informed the Commission he has spoken with Jeff Littleton, Moosewood Ecological regarding an Ecological Inventory of Grater Woods. He will provide the Commission with a quote for that work.

Chair Perry questioned the desired direction of the Commission relative to application to the Aquatic Resource Management (ARM) Fund. The State offers services for generating the applications. He questioned the will of the Commission relative to incurring costs for those services.

The item will be placed on the agenda for the Commission's next meeting.

ADJOURNMENT

MOTION BY COMMISSIONER TENHAVE TO ADJOURN

MOTION SECONDED BY COMMISSIONER GLENN

MOTION CARRIED

6-0-0

The June 18, 2018 meeting of the Merrimack Conservation Commission was adjourned at 9:21 p.m.

Submitted by Dawn MacMillan