



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

JUNE 28, 2021

### MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, June 28, 2021, at 6:31 p.m. in the Matthew Thornton Room.

Steven Perkins, Chair, presided:

Members of the Commission Present:

Gina Rosati, Secretary  
Cynthia Glenn  
Gage Perry  
Eric Starr  
Michael Drouin, Alternate Member  
Ellen Kolb, Alternate Member  
Tim Tenhave, Alternate Member (arrived at

6:36 p.m.)

Members of the Commission Absent:

Michael Boisvert, Vice Chair  
Councilor Andy Hunter

Also Participating:  
Engineering

Austin Turner, Project Manager, Bohler

Nathan Chamberlin, P.E., Fieldstone Land

Consultants

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*Chair Perkins designated Commissioner Drouin to sit in for Vice Chair Boisvert and Commissioner Kolb for Councilor Hunter.*

**PUBLIC COMMENT** - None

**PUBLIC HEARINGS** - None

**APPOINTMENTS** - None

**STATUTORY/ADVISORY BUSINESS**

- **Thomas More College (applicant) and Thomas More Foundation (owners)** - Review for recommendation to the Planning Board of a Site Plan amendment to improve parking and pedestrian walkways within the campus grounds. The parcel is located at 6 Manchester Street in the I-1 (Industrial) and the Aquifer Conservation District. Tax Map 2D, Lot 041-04.

Austin Turner, Project Manager, Bohler Engineering, spoke of work done on master planning efforts for campus improvement. The phased in approach to improvements includes converting the existing dormitory to a men's only dorm and constructing a new building to serve as the women's dormitory. The administration building will remain, but the parking lot located in the front of the building will be expanded. There will be an expansion to the existing library. Existing conditions have parking occurring in a dirt lot. The desire is to improve upon the conditions and accessibility of parking. A chapel building approved by the Planning Board in 2008 was never constructed and is being reconsidered as part of the current application. Also included is a proposal to expand the dining commons. The stated improvements will be phased in over time.

The current proposal is for pedestrian improvements (center courtyard). The intent is to improve the center courtyard, add amenities, connectivity among existing and proposed buildings, and formalize parking. The existing full access driveway will be converted to an exit only driveway and the current in only driveway will be converted to full access. The applicant has been working with the Fire Department on driveway configurations to ensure access by emergency response vehicles.

The parking areas located in front of the administration building, near the library, and between Guild Hall and the dining commons will be formalized (currently informal dirt parking areas). The existing parking area near the area of the courtyard will go away (will be landscaped/lawn).

The initial hearing with the Planning Board went well, and peer review has been completed with limited (highly technical) comments on stormwater items. The comments were not of major significance.

The application includes stormwater improvements. In front of the dining common is a stormwater basin. Noted on the map provided were the two areas new stormwater basins will be located. Wanting to maintain the rural feel, rather than a closed drainage system, what has been created are shallow meandering swales along the outside of the parking edges to get surface runoff to work its way through the basins and then follow the natural drainage pattern to the property.

Asked how wide the highlighted walking paths are, Mr. Turner responded they vary but are intended to be wide enough for pedestrian traffic (5-8'). Asked about emergency vehicle access, he stated the intent is not to have emergency vehicle traffic in the interior of the property. They worked closely with the Fire Department to design parking improvements and access to accommodate emergency vehicles.

Commissioner Rosati questioned how snow removal is addressed, e.g., Green SnowPro certified. Mr. Turner was uncertain how the college is currently handling snow removal but will inquire.

Commissioner Rosati questioned the use of fertilizer. Mr. Turner stated his belief fertilizer is not utilized. Commissioner Rosati remarked, should fertilizer be used, it should be low-phosphate, slow release nitrogen fertilizer.

Asked about an area for snow storage, Mr. Turner stated immediately adjacent to the parking areas, particularly on the back side of the parking areas (next to the swales) are level areas where snow removal could be accommodated.

A drainage report was included with the application and has been reviewed by the Town's peer review. Comments provided were to look to expand the footprints of some of the basins (nominally). He stated a willingness to provide the Commission with copies.

Commissioner Tenhave commented on the size of the agenda packet and the inability for some devices to receive the information. He noted the information provided indicated the 10, 25, and 50-year storm numbers are all lower post improvements.

- **John Flatley Company (applicant/owner)** - Review for recommendation to the Planning Board of a Site Plan to construct a 120,000 s.f. warehouse/distribution building, per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcel is located at 707 Daniel Webster Highway in the I-1 (Industrial) District and Aquifer Conservation area. Tax Map 6E, Lot 003-06.

Nathan Chamberlin, P.E., Fieldstone Land Consultants, noted the project to be the construction of a 120,000 s.f. warehouse/distribution building (High Bay), which is the same footprint as what was approved in 2012 for Lot 003-05.

The driveway down into the Saint-Gobain property is the same as was approved for the previous project but travels in a different direction. Offices are in the front of the building as is parking for the offices. Around back are the loading areas.

Specific details, e.g., parking spaces/widths, aisle widths, snow storage were all identified on the Site Plan. Located in the back is a small wetland. A drainage pipe drains onto the property from D.W. Highway. It flows into the property reaching the wetland and down to the culvert that travels under the railroad tracks to the river. Asked how far the development is from the river, Mr. Chamberlin noted the 25' setback (grading to the edge of setback). Asked if considered a wetland or a drainage detention pond, he stated it to be a wetland (mapped in 2012 and again for this project).

Saint-Gobain's driveway sheets onto the property. Runoff is brought around the building and edge of pavement to the wetlands. There is no impervious flowing into it; catching runoff coming off hill above, sweeping around, and mimicking current behavior.

The building itself has several roof drains that all drain out to the front and are directed to the large detention basin. In the back are several catch basins that bring runoff to the detention

basin. It is all open drainage along the main entrance and in the parking lot; sheets into a wide gentle swale and is brought down to a catchment area (works as forebay) and traverses under driveway and into large detention basin. Runoff out of the basin is treated at the outfall with a treatment swale.

What has changed since the 2012 development and this proposal is the PFOA issue from Saint-Gobain. The directive is that infiltration cannot be used. This will be a lined basin/standard dry detention basin. Flow for a 2-year storm will be controlled through the treatment swale. You get treatment in the treatment swale and start letting the larger storms go and maintain peak rates of discharge. Runoff for the future development (Lot 003-05) is also addressed through this basin.

Chair Perkins asked if excavated soils would remain onsite and was told they are required to. Asked, Mr. Chamberlin was of the belief that is not specifically stated in the plans. Chair Perkins stated the desire for that to be included in the final plans. Mr. Chamberlin spoke of how closely the project would be scrutinized at the State level when permits are applied for. They have been working with the State for several years, and the State is who pushed them in the direction they are taking regarding stormwater management.

Commissioner Tenhave noted the requirement that water will not be permitted to infiltrate. Mr. Chamberlin stated that design was revised. The directive from the State was you do not have to treat, attenuate the peak because you are right on the river. The design was revised to include a large detention basin with a small orifice and maintain the peak flows and treat it at the outfall.

Commissioner Tenhave asked and was informed there would be no floor drains in the structure. Noted was that the plan notes any materials, etc. not permitted in the aquifer zone are not permitted on the property.

## **NEW BUSINESS**

### **1. MCC purchasing and storing its own tools - discussion**

Commissioner Drouin commented, during a meeting with Paul Micali, Town Manager, and Kyle Fox, Director, Public Works Department (PWD), the question was asked of the ability to store tools in a Town locker. The Commission could purchase a shed, which the PWD could locate on one of the Commission properties. The suggestion made was that it be located at the middle school. The belief is that the shed is less likely to be tampered with if in a highly visible location.

He commented on his experience with the Hudson Conservation Commission; commission purchased its own tools, had training with the fire department, e.g., chainsaw, PPE. He suggested the Commission acquire a professional set of tools/equipment to be utilized in the maintenance of properties. Asked about cost, Commissioner Drouin commented the steel/professional tools and PPE came at a cost of \$3,000 - \$4,000.

Commissioner Tenhave asked and was informed, during the meeting, there was no concern expressed with volunteers utilizing power tools, liability, etc. Commissioner Tenhave stated his belief training would be required. Asked, Commissioner Drouin stated the Hudson Conservation Commission has had their tools for 2 years or less, store them at their public works department, and have had no issues with theft.

Chair Perkins expressed concern with securing the tools. Commissioner Perry commented the only area near the school where a shed could be placed would be near the outdoor classroom, which is an area that has already experienced vandalism. Commissioner Drouin suggested a shed could be placed on Town Hall property.

Commissioner Perry stated concern with storage of fuel, etc. Commissioner Drouin spoke of volunteers paying to maintain the properties, e.g., fuel, etc.

Commissioner Tenhave was supportive of the idea of placing a shed at a Town facility. He suggested a request could be taken to the Town Council. Chair Perkins will engage in a discussion with the Town Manager concerning an appropriate Town facility where a shed could be located.

Commissioner Tenhave suggested the Commission create a list of items desired so that the Town Manager could put it out to bid. Commissioner Rosati suggested the sub-committees be asked to provide input. Commissioner Perry spoke of the need for maintenance items that are no longer readily available for use, e.g., trail groomer, trailer. Some items can be expensive to purchase. There is the need to determine exactly what types of equipment are needed for trail creation and maintenance as well as the size of the storage structure needed to house it.

Commissioner Drouin commented on the recent hike at the Horse Hill Nature Preserve (HHNP) during which Tim Adams, Member, HHNP Sub-Committee inquired about equipment that could be used to trim rose bushes at the trail entrance that are encroaching on the trail. There is concern a bicyclist could be injured.

Commissioner Perry suggested it might be worthwhile to look into invasive treatment given once the bushes are cut back/pruned, or they will grow back fuller. Commissioner Glenn spoke of Mr. Adams' continued efforts to control invasives. Commissioner Rosati commented on the benefits of renting goats. Commissioner Starr noted animals prefer certain species, and Japanese Knotweed is one of the most popular food items for most zoo animals.

Commissioner Drouin will look to identify cost of equipment purchased by the Hudson Conservation Commission, Chair Perkins will investigate Town owned storage space, and Commissioner Rosati the possibility of renting goats.

**OLD BUSINESS** - None

**OTHER BUSINESS**

1. Discussion on communications or correspondence received concerning regulated Commission activities and any issues concerning Commission managed lands.

## 2. Sub-Committee Updates

### Sklar

Commissioner Drouin spoke of scheduling difficulties. Monthly meetings are used to share information on what has been accomplished and to update the work list. As people are available throughout the month, trail maintenance and other items identified on the list are addressed.

Commissioner Drouin and Vice Chair Boisvert have marked all trails. They are seeking someone with a router to create the signage. Currently, the signs are in plastic form. Commissioner Drouin will contact Eagle Scout candidate(s) with the possibility of a project of a set of stairs. Where the two trails meet, there is an area of steep topography that could be addressed that way.

The decision was made to abandon the north trail (near boat ramp). The ruts are too great. They will look to block it off and allow nature to retake it. It will be looked into again down the road.

- Recap of Mike Boisvert and Mike Drouin's meeting with Town Manager, Paul Micali

Commissioner Drouin stated the purpose of the meeting was to discuss whether the Town could cut trees (near kiosk) to widen the road going in. The PWD is unable to be of assistance currently.

Also discussed was the possibility of paving the parking lot. Director Fox provided a quote of roughly \$150,000. That cannot be done without permission for Town trucks to cross the New England Pole Company's land to the north. Attempts will be made to gain that permission.

Chair Perkins questioned if it is believed there is enough clearance to pave under the bridge that carries the railroad track above the entrance; adding pavement to that would increase the vertical clearance constraint and was told that was not discussed. Commissioner Drouin noted neighbors on Griffin Road are complaining that people are turning around in their driveway being fearful of making that sharp turn. Mentioned was the possibility of reconnecting Griffin Road to D.W. Highway.

Commissioner Rosati suggested directional signage on the opposite side leading users to Sklar. It could be signage would result in a greater level of usage than optimal. Commissioner Drouin suggested a driveway mirror would be useful.

#### i. Sklar Boat launch and handicap accessible dock

Commissioner Drouin stated Director Fox has stated the Town is not interested in upgrading the boat launch to something much larger. You cannot fit a decent sized boat under the tunnel. New Hampshire Fish & Game was not interested in providing grant funding for that project. He stated the desire to find a means of addressing users becoming stuck in the mud when using the area. He noted the Hudson Conservation Commission has a stack of boat launch concrete slabs

they are not using and suggested reaching out to them. Town trucks would have to be used to retrieve them. Commissioner Tenhave noted the permitting process that would have to be undertaken before upgrading the boat launch as Merrimack is a protected river. Commissioner Drouin commented the rowing club in Nashua has a little dock. A few fishermen requested handicap access. He suggested that could be a project. Commissioner Tenhave spoke of the area being a large flood zone.

### Wildcat Falls

#### ii. North Loop Bridge Repair

Commissioner Rosati stated Andrew Duane, Member, Wildcat Falls Sub-Committee, identified the need to replace a support beam. He will look to address that. The mailbox was replaced at the kiosk (map holder).

Commissioner Drouin noted the granite selfie stands are now up at the HHNP. Commissioner Rosati has requested an update from Sarah Hardy, Girl Scout. Commissioner Rosati requested a copy of the photo taken of the selfie post be forwarded to the Community Development Department to be included with the meeting minutes. Commissioner Tenhave commented on the lending library being in place at the HHNP.

### Horse Hill Nature Preserve

Commissioner Starr spoke of the last meeting including a discussion of proposed Eagle Scout projects. The sub-committee identified areas that need to or could be improved upon. The highest priority identified was the re-building of the Bowmen Bridge. The belief is the project, if too large to be taken on by an Eagle Scout, should be addressed by another means within a year or two. Other projects identified include addition of signage (wooden) at the intersections of the HHNP, rebuilding the Beaver Pond boardwalk, creation of a nature education area, replacement of signage that overlooks the beaver pond, erecting signage at the Heron nesting area, and a tool station for bicyclists.

Other parks have put in place tool stations that contain tools such as air pumps that attach to the actual station to avoid loss. The thought was to place one at the parking lot and another at the central kiosk (preferred). Commissioner Rosati suggested former Commissioner Caron be asked if the New England Mountain Bike Association (NEMBA) might be interested in putting the tool station(s) in. She will contact him and pose the question.

Commissioner Kolb suggested the Bike Walk Alliance of New Hampshire could provide information on tool stations. As a member of the New Hampshire Rail Trail Coalition, she is aware some of the local groups have installed them on the more popular trails. It is uncertain what will happen in the long run. Everyone is excited to get them installed, but it is unknown what condition they might be in after two years.

Commissioner Starr commented on the multi-floral rose invasive species problem near the parking lot. Mowing over them is ineffective. There is the desire to identify better removal

tactics. Commissioner Tenhave stated the need to be mindful of the wetland that goes around most of that parking lot.

Commissioner Starr stated the sub-committee has been looking at recruitment ideas such as putting up flyers across the HHNP informing of the need for volunteers. He asked if permission is required for such an activity and was told it is not.

**PRESENTATION OF THE MINUTES**

Merrimack Conservation Commission..... [June 7, 2021](#)

*The following amendments were offered:*

Page 2, Line 42; replace “completed” with “completely”

Page 3, Line 18; replace “sims” with “sump”

Page 3, Line 22; correct the spelling of “complements”

Page 6, Line 37; replace “Road” with “Street”

Page 6, Line 42; replace “the H.R. Director” with “Sharon Haynes”

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

**4-0-3**

*Commissioners Perry, Starr, and Kolb Abstained*

**PUBLIC COMMENT** - None

**COMMISSIONER COMMENTS**

Chair Perkins expressed gratitude to Commissioner Tenhave for all he has done for the Commission and Town. Commissioner Tenhave was presented with a token of appreciation from the Commission.

Commissioner Tenhave stated he would propose amended language for Chapter 111 and provide it to the Town Manager. Following that, it will be provided to legal counsel for review/comment. From there, it will go before the Town Council. A Public Hearing will be scheduled.

Commissioner Tenhave spoke of the 28 acres surrounding the Tomasian development, which is intended to be turned over to the Commission. He has run into a legal snag; some of the parcels were transferred to their first owner from the LLC. Half of the parcels had language granting the new property owner a portion of that conservation land versus no language at all as the intent was that no one would receive a piece of that open space land. The LLC no longer formally exists. He has been trying to get the former members of the LLC to address the issue without success. He will turn the issue back to the Town to address.

Commissioner Tenhave spoke of having enjoyed his time on the Commission.

Commissioner Starr commented on Commissioner Tenhave’s time serving the community of Merrimack, and his appreciation for his time and efforts. Commissioner Rosati thanked Commissioner Tenhave for all he has taught her. Commissioner Kolb thanked Commissioner Tenhave for his willingness to share his experience. Commissioner Drouin spoke of his appreciation of Commissioner Tenhave’s knowledge and love of turtles. Commissioner Perry thanked Commissioner Tenhave for being a good friend and for his support throughout the years. Commissioner Glenn spoke of being sad to see Commissioner Tenhave go and thanked him for his guidance. She spoke of the historical knowledge he takes with him.

**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 COMMISSIONER KOLB TO ADJOURN**

**MOTION SECONDED BY COMMISSIONER PERRY**

**MOTION CARRIED**

**7-0-0**

The June 28, 2021, meeting of the Merrimack Conservation Commission was adjourned at 8:06 p.m.

Submitted by Dawn MacMillan