



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 NOVEMBER 16, 2020 MEETING MINUTES

A meeting of the Merrimack Conservation Commission was held on Monday, November 16, 2020 at 6:32 p.m.

Steven Perkins, Chair, presided:

Members of the Commission Participating: Gina Rosati, Secretary
Michael Boisvert
Cynthia Glenn
Gage Perry
Michael Drouin, Alternate Member
Tim Tenhave, Alternate Member

Members of the Commission Absent: Eric Starr, Alternate Member
Councilor Peter Albert

Also Participating: Thomas Burns, P.E., Senior Project Manager, TFMoran, Inc.
Jeffrey Kevan, Senior Project Engineer, TFMoran, Inc.
Corey Knight, 106 Herrick Street
Nathan Chamberlin, Sr. Civil Eng., Fieldstone Land Consultants

Due to the COVID-19/Coronavirus crisis, and in accordance with [Governor Sununu's Emergency Order #12](#) pursuant to [Executive Order 2020-04](#), this Commission is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV (Channel 20). Telephone access was available for members of the public wishing to provide comment; 1-312-626-6799 US / 1-929-205-6099 US (Meeting ID: 998 2438 5992).

Also identified on the agenda was the opportunity for public comment to be submitted leading up to the start of the meeting via email to: CommDev@MerrimackNH.Gov.

Commissioners were participating via Zoom. In accordance with [RSA 91-A:2 III](#), Each member of the Commission was asked to state, for the record, where they were, why their attendance in person was not reasonably practical, who, if anyone, was with them, and whether or not they were able to hear the proceedings.

Chair Perkins

Stated he was participating electronically from home, attendance in person was not reasonably practical due to health precautions, he was alone in the room he was in, and could hear the proceedings.

Commissioner Rosati

Stated she was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, she was alone in the room she was in, and could hear the proceedings.

Commissioner Boisvert

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Commissioner Glenn

Stated she was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, she was alone in the room she was in, and could hear the proceedings.

Commissioner Perry

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Commissioner Tenhave

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

Commissioner Drouin

Stated he was participating electronically from home, attendance in person was not reasonably practical due to COVID-19, he was alone in the room he was in, and could hear the proceedings.

It was acknowledged all members participating electronically could be heard. The Commission was reminded all votes would be taken by Roll Call.

Chair Perkins designated Tim Tenhave and Michael Drouin to sit in as voting members.

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

- 1. Executive Building Systems, Inc. (applicant) and Anmi Merrimack Realty, LLC (owner)** - Review for recommendation to the Planning Board of a Site Plan to convert an existing building to office/warehouse use. The parcel is located at 25 Craftsman Lane in the R-1 (Residential, by soils), Aquifer Conservation District and Wellhead Protections Area. Tax Map 2A, Lot 005.

Thomas Burns, P.E., Senior Project Manager, TFMoran, Inc., stated the site was a commercial use in a residential district for many decades. In September, the applicant went before the Zoning Board of Adjustment to formalize the commercial use. The project received conditional approval at the October 20th Planning Board meeting.

The project would convert the existing building and add 5 parking spaces (front of building along Craftsman Lane). The existing gravel drive behind the building will be paved for access to the existing loading dock. Beyond that there are no site changes proposed for this use.

There are two shallow detention basins (one off back of the 5 parking spaces and one at the loading area) to mitigate the potential for stormwater increases. A stormwater report was submitted and reviewed by the Town, which illustrated no increases or impacts to offsite runoff. No wetlands onsite, or wetland impacts in the area. Commissioner Rosati noted the site plan references use of hay. The Commission's preference is straw. She stressed the importance of ensuring all plantings are native and that, if needed, fertilizer be low-phosphate, slow release nitrogen fertilizer. The Commission recommends utilizing Green SnowPro Certified professionals for snow treatment/removal and icing.

Commissioner Tenhave asked for additional information on the infiltration basins, and was told they are shallow/narrow trenches (approx. 1.5' deep) located off the back of the pavement to capture runoff and detain it. An infiltration component was included because of the material (rapid permeability to sand material); relatively small (1 CFS in 50-year storm).

Asked about runoff from the roofs, Mr. Burns stated everything coming off the building and pavement sheet flows off the property (generally flows to south and west). The changes to the building are interior fit-up; no exterior changes.

Chair Perkins stated a note would be forwarded with regard to comments provided. Mr. Burns stated the details and plan notes would be updated to account for the recommendations.

2. Corey Knight (applicant) and Sanco Realty Trust (owner) - Review for recommendation to the Planning Board of a Site Plan to construct an automobile dealership and repair facility. The parcel is located at 106 Herrick Street in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 02.

Jeffrey Kevan, Senior Project Engineer, TFMoran, Inc., stated the site is currently vacant (tree covered). Being proposed is the construction of a 1-story, 9,459 sq. ft. automobile dealership for sales and maintenance.

A site plan was displayed (can be viewed [here](#) starting at tape counter 12:46). Current drainage is a low point that funnels through the middle of the property and from the opposite direction crossing onto the site through an 18" pipe under Herrick Street. The site has good soils with regard to being permeable. Runoff would be captured through a series of catch basins that discharge into an underground chamber system, which provides pre-treatment in the isolator rows and then treatment with infiltration of the runoff. All runoff from the development is infiltrated for the 25-year design storm. A control structure is proposed at the end of the 18" culvert which, with the underground chamber system, will maintain the rate of runoff after the site is developed. There will be no increase in runoff from the property. There are no wetlands onsite.

The project was before the Planning Board on November 10th. Initial comment was provided, and the project continued until the December 15th meeting.

Commissioner Rosati noted the site plan references use of hay. The Commission's preference is straw. She stressed ensuring all plantings are native species and that, if needed, fertilizer be low-phosphate, slow release nitrogen fertilizer.

Commissioner Tenhave commented the Commission has seen a few different projects come before it for this site. The last proposal included the purchase of the site across the street where the water is running off to. That proposal resulted in moving water from one site they own to another they own. Asked for clarification, Mr.

Kevan stated all storm events; 2-year, 10-year, 25-year, 50-year, were analyzed, and they maintain there is no increase in runoff going through the culvert.

Commissioner Tenhave asked, with the chamber system and the ability for it to collect what might be coming in off the parking lot, does it have the ability to trap any automobile fluids and be cleaned out. Mr. Kevan stated it is not exactly that in this particular case where they would add oil separator, hoods, or a T within the catch basin structures. That is where it would have to be captured; before getting into the underground system. Commissioner Tenhave spoke of the desire to capture that and prevent that from making it anywhere offsite. Mr. Kevan agreed it is worth having the small precaution to capture it in the catch basins.

Asked what would be stored inside the building, e.g., fluids, chemicals, Corey Knight (applicant), stated they keep a small amount of motor oil, brake fluid, BMW specific coolant, BMW specific brake cleaner, and other traditional fluids/chemicals that would be found in an automotive shop onsite. In their current facility, and likely in the new facility, is a waste oil furnace, which recycles the old motor oil, and uses it as heat for the shop. There are no heavily corrosive solvents or anything like that onsite. Mr. Kevan stated all of that would be contained inside the building.

Asked what the containment setup inside is to address any fluid spills, Mr. Knight stated any time they are catching oil or coolant they utilize containers to drain them into. They currently utilize Clean Harbors for the recycled coolant. Anything oil-based goes into the oil burning unit. If anything contacts the floor it is cleaned with either an absorbent mat or, if small enough, wiped up with a rag.

Commissioner Perry questioned if there is any kind of containment area where fluids/chemicals are stored, and was told there is not in the current facility. Mr. Knight stated they have never experienced a leak with any of their chemicals. All of the chemicals they have are housed in steel containers (not certain if a fluid sealed container), e.g., chemical cabinet.

The Building Department has instructed there be no floor drains within the building. Were there a spill it would not discharge into a floor drain and exit into the drainage or waste lines. It is a concrete slab floor. Any material spilled would be captured inside and cleaned.

Commissioner Tenhave questioned if there is any storm drainage that comes under D.W. Highway onto the site like is the case on other sites along the roadway. Mr. Kevan stated there to be runoff that sheets off, but no drain pipe that comes onto the property from under D.W. Highway.

Commissioner Glenn questioned if, given the land is currently forested, the Natural Heritage Bureau has been involved. Mr. Kevan stated they have filed with the Natural Heritage Bureau and the Historical Resources Department. Recently NHDES changed enforcement requiring a Wildlife Biologist conduct a report on the site. That was done and resulted in no species identified, specifically on the site. They also indicate what has been seen within a mile of the site. That report has been filed with NH Fish & Game. The report included comments on a few snakes that would potentially be going through the property, and the recommendations were to minimize sumps in the drainage structure, where possible, and not utilize erosion control measures having plastic netting that would hinder wildlife. Those measures will be implemented.

Commissioner Glenn questioned when the project would commence, and was told, assuming approvals are achieved and the costs can be worked, it would be next spring/summer. She spoke of wanting to avoid nesting season. Mr. Kevan noted there are also times to avoid tree clearing in regard to wildlife.

Commissioner Rosati commented on not wanting tree clearing to occur during nesting, and questioned the likelihood of that. Mr. Kevan responded he would not want to commit to a March timeframe. If stated that they

follow protocol outlined by NH Fish & Game, that is what they will be required to do, regardless.

Chair Perkins stated a note would be forwarded with regard to comments provided relative to reference to straw and non-invasives, that tree clearing follow NH Fish & Game protocols in regard to timing, and that an oil-separation system be built into the drainage system to capture any vehicle fluids that might make it into the stormwater treatment system.

Mr. Kevan stated the structures would be identified on the plans and an oil separator key or hood would be placed in the structures.

Commissioner Glenn requested and Mr. Kevan agreed to forward a copy of the report from the Natural Heritage Bureau.

3. As Life Goes On, LLC (applicant) and Phyllis and Laura Benson (owners) - Review for recommendation to the Planning Board of a Site Plan to convert an existing building (currently vacant, most recently a former personal service use) to a 24-bed assisted living facility. The parcel is located at 585 Daniel Webster Highway in the C-1 (Limited Commercial) and R-4 (Residential), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 6D-1, Lot 046.

The property was once the home of the Levi Lowell's restaurant (north side of property), a residential structure, and barn. At that time, there was valet parking (cars placed in back along Pleasant Street). In the early '80s approval was received to increase seating. There was parking for 100[±] cars.

Nathan Chamberlin, P.E., Senior Civil Engineer, Fieldstone Land Consultants, stated the parcel is approx. 1.3 acres and consists of an existing house and a barn that appears to have been converted/carriage house. It is located on the corner of D.W. Highway and Maple Street and abuts Pleasant Street in the back. The building sits on high ground and everything jets away from it towards the three streets.

It appears the restaurant was approved absent any kind of drainage despite the entire back area along Pleasant Street being gravel (grassed over at this time).

Proposed is a small infiltration basin on the east side of the lot to mitigate any increase in stormwater runoff resulting from the proposed site improvements. All existing utilities will remain. An existing porte-cochere/breezeway (drive-thru garage) will be closed in and converted to an elevator tower to provide access to the second floor. The parking area will not be where it was formerly located for the restaurant; will place a 20-space parking area along Maple Street. Three existing driveways onto Maple Street will be consolidated into one driveway to access the parking lot and delivery area. One catch basin is proposed to capture runoff from the driveway. Mr. Chamberlin stated a separator could be added if a concern of the Commission. Additional landscaping is proposed.

A variance was obtained to allow the use on the existing lot (based on acreage).

Commissioner Tenhave spoke of being pleased that the parking lot will be along Maple Street opposite an existing commercial/retail building, which would avoid light disturbance in the neighborhood. He stated a preference for an oil-water separator being added.

NEW BUSINESS

1. Resignation of Michael Swisher

Chair Perkins spoke of being appreciative of all Michael Swisher has done while serving on the Commission.

2. Nominations for Vice Chair of Conservation Commission

Chair Perkins requested Commissioners consider serving in this capacity. The item will be placed on the agenda for the December 7, 2020 meeting.

3. Review 2021 draft meeting schedule

Should the need to conduct meetings electronically continue into the new year, the scheduled should be reviewed with Merrimack TV to avoid conflicts. The Commission will continue to meet electronically for the remainder of this calendar year.

The consensus of the Commission was to accept the calendar as presented.

OLD BUSINESS

1. Grater Woods By-pass Trail

A few years ago the Commission considered a by-pass trail to go up and around the piece of South Grater Road that was decommissioned (given its proximity to a beaver pond area). Commissioners Tenhave and Perry and Dawn Tuomala, Deputy Director, Public Works/Town Engineer, participated in surveying and laying that out. Large in scope, the project would be an improvement starting past the gate out by Amherst, creating a gradual slope up and over the pond and back down again. The by-pass area serves as a fire protection and emergency access road for that part of the property. The property can be accessed from Wilson Hill Road and Amherst. That entry goes a distance in, but having that full length available is important. If done correctly, it would provide a better area for users who are less skilled at hiking. The project was put on hold believing there could be funding available to support it through the Aquatic Resource Mitigation (ARM) Fund.

Commissioner Tenhave spoke of concern with liability should there be an emergency situation. He is of the opinion the project should move forward, even if having to be funded by the Commission. He questioned if a member of the Commission wished to spearhead efforts to seek out grant funding from NH Fish & Game or other avenues.

He was uncertain Deputy Director Tuomala had provided a project cost; however, believed it to be in excess of \$50,000. Commissioner Perry stated his belief a plan had been developed, but he was uncertain if there was an associated cost outlined. He agreed the project should be continued.

Commissioner Tenhave questioned if the Commission might want to combine this project with a forestry project. He recalls a forest study done previously where a recommendation was made for forestry work on the parcel coming in from Amherst. That could generate revenue to offset the cost of the project and be an opportunity to get forestry and clearing work done for the roadway while machinery is onsite.

He spoke of Fund 51, and the belief the fund could be utilized for purchases desired to complete some of the holes in the green space areas, fund this project, and retain a healthy balance.

Commissioner Rosati read from the pre-proposal (dated 1-17-18); amount requested from the ARM Fund was \$55,700 and the amount of matching funds would have been \$40,900 for a total of \$96,600.

Commissioner Drouin commented given the time of year, perhaps a local corporation would be interested in a tax deductible donation.

Commissioner Tenhave reiterated the need for an individual to seek out grants, donations, and his concern with the liability. Commissioner Perry noted the parcel was walked with GZA GeoEnvironmental (GZA). GZA did not share the belief the project would be a good fit with the ARM Fund. He commented on the need for an account to be established to accept donations and identify the specific purpose.

Asked if the land is owned by the Town or the Commission, Commissioner Tenhave stated his belief it may cross parcels. The forestry opportunity abuts the Amherst property.

Commissioner Boisvert noted a forestry project would impact the trails. Commissioner Rosati questioned if it would be best to have the project done during the winter months. Commissioner Tenhave stated the work desired would not be impacted by stormwater except for some of the culverts that would need to be put in the existing road as it comes in from the Amherst property. Commissioner Rosati suggested a motion to approve part of the funding so that the forestry aspect of the project could be completed before nesting season.

Commissioner Perry remarked timber cuts are self-funding, and any revenue generated beyond cost is retained by the Commission. Commissioner Boisvert stated concern with jumping into the forestry aspect without a clear understanding of where the road will go. The suggestion was made to notify the sub-committee prior to any action, and that the site be walked/viewed by Commissioners.

Commissioner Tenhave suggested the timing of a group walk be postponed until after deer hunting/firearm season. Asked if the road going in is capable of vehicle traffic, Commissioner Perry stated the need to construct a landing zone. Commissioner Tenhave noted when the other forestry work was done (donut hole), they came in off of Wilson Hill Road. They can get close from that direction even if the Amherst entrance doesn't support it.

Asked if a forestry project is put out to bid, Commissioner Perry stated the Forester, Bay State Forestry Service, generates the cut plan, and puts the project out to bid. Commissioner Tenhave stated the Forester would provide a rough estimate of the timber value, cost, and would monitor the project. He stated the desire to couple the by-pass trail project with a forestry project in order to get some economy of scale.

Commissioner Perry will notify the sub-committee of the discussion taking place, and will reach out to the Forester.

Commissioner Rosati will reach out to Deputy Director Tuomala, and request an electronic copy of the plan be provided to the Commission.

The consensus of the Commission was to table the matter until the site can be walked.

OTHER BUSINESS

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

Chair Perkins commented on having questioned the ability for sub-committees to meet. That has not been approved, at this time. Commissioner Tenhave commented if there is a sub-committee that would like the opportunity to provide input to the Commission, that can be accommodated. He suggested an agenda item for the December meeting be sub-committee updates, and that an invitation be put out to the sub-committees.

2. Sub-Committee Updates

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. [October 19, 2020](#)

The following amendments were offered:

In each instance it appears; replace “Chairman” with “Chair”
In each instance it appears; correct the spelling of “Martinson”
In each instance it appears; correct the spelling of “Twardoski”
Page 5, Line 15; insert a period following “BUDGET”
Page 6, Line 21; correct the spelling of “Chamberlain”
Page 6, Line 32; capitalize “Scout”

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

A Viva Voce Roll Call vote was taken, which resulted as follows:

Yea:	Chair Perkins, Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn, Commissioner Perry, Commissioner Tenhave, Commissioner Drouin
	7
Nay:	0

MOTION CARRIED

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Rosati noted the suggestion that an agenda item be added for items tabled, as a means of tracking progress. She noted the item tabled at the 9-21-20 meeting regarding re-treating invasive Knotweed on the property off of Brookside Drive. Commissioner Perry stated the item should remain tabled. The Forester who had done previous work is no longer with Bay State Forestry. New contact information has been provided.

Commissioner Rosati spoke of the opening on the Commission, and questioned the will of the Commission relative to seeking out individuals having a particular skill set, e.g., grant writing, trail work. The desired skill set could be provided to the Town Council for consideration during the interview process. She suggested volunteers could also be asked to provide information relative to their willingness and knowledge to serve in specific capacities.

Commissioner Tenhave was supportive of the idea of informing the Town Council of the particular needs of the Commission to assist in the selection process.

Commissioner Tenhave noted Michael Swisher had been working on a project to complete the Tomasian land donation. In order to keep that moving, he volunteered to move the process forward.

Commissioner Tenhave reminded the viewing audience it is deer hunting season. Users of the trails should wear hunter orange.

Chair Perkins spoke of the discussion that took place at the last meeting relative to the creation of a listing of specific items the Commission wishes to see with projects that come before it, e.g., stormwater treatment and flow. He requested Commission Tenhave provide a review (prior projects) for the next meeting.

ADJOURNMENT

MOTION BY COMMISSIONER PERRY TO ADJOURN
MOTION SECONDED BY COMMISSIONER GLENN

A Viva Voce Roll Call vote was taken, which resulted as follows:

Yea: Commissioner Rosati, Commissioner Boisvert, Commissioner Glenn, Commissioner Perry,
Commissioner Tenhave, Commissioner Drouin, Chair Perkins

7

Nay: 0

MOTION CARRIED

The November 16, 2020 meeting of the Merrimack Conservation Commission was adjourned at 7:49 p.m.

Submitted by Dawn MacMillan