



**TOWN OF MERRIMAC**  
**CONSERVATION COMMISSION**  
**4 School Street, Merrimac, Mass. 01860**  
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**Conservation Commission Meeting Minutes**

**Tuesday, January 24, 2023**

Merrimac Public Library – Library Meeting Room

**Members Present:** Jon Pearson, Chair; Jerome Mathieu, Vice Chair; Greg MacLean; Greg Hochmuth; and alternate member Alejandra Chandler (arrived at 7:08 PM). Also present was Michelle Greene, Conservation Agent.

**The meeting was called to order at approximately 7:03 PM.**

**Public Hearing: Notice of Intent (under Wetlands Protection Act only) (continued): 0 West Main Street, Map 49-1 Lot 7 (across from Kenoza Vending), The Flats @ Merrimac Square, Applicant: Ray Cormier – AA @ Merrimac Square LLC, Re: Construction of a main access road, secondary access road, grading and infrastructure including underground utilities, parking areas, apartment building, and installation of stormwater management features, DEP# 045-0315**

Ms. Greene noted that the applicant had not requested a continuance prior to the meeting. Ms. Greene called the applicant and his attorney from the meeting to see if they had planned to attend or seek a continuance and neither answered. Mr. Hochmuth was able to reach the applicant's wetland scientist, Bill Manual, who sent Ms. Greene an email seeking a continuance on behalf of the applicant to the Commission's next meeting on February 28, 2023.

*Mr. Mathieu motioned to continue the meeting at the applicant's request to the Commission's February 28, 2023 meeting. Mr. MacLean seconded the motion and the motion passed unanimously.*

**Violation: 0 Hadley Rd., Assessor's Map 80-1-1, Gerald F. Lay, Trustee of Hadley Properties Trust, Re: Unauthorized tree cutting in riverfront area and mapped priority habitat of rare and endangered species**

Ms. Greene provided an update that she had spoken to the property owner, Gerry Lay, who indicated he was unaware it was in violation of the Wetlands Protection Act and Merrimac Wetlands Protection Bylaw to maintain culverts and remove hazardous trees on his property. During the call, Ms. Greene advised Mr. Lay that in the future, he could call her and she would be happy to view the site, the work proposed, and advise if it needs a permit before it can commence.

Mr. Pearson asked that Ms. Greene write a letter indicating the work that was done without a permit and that in the future if work is done in resource areas without a permit, it will result in an

Enforcement Order. Mr. Pearson suggested that a copy of the letter be sent to MA Fish and Wildlife due to the priority habitat on the property.

Mr. Hochmuth indicated Ms. Greene should request to Mr. Lay that the Commission be allowed to view the property. This way they could see the culverts and have a better understanding of the ongoing maintenance needed for them.

Mr. Pearson suggested that Ms. Greene should call Mr. Lay to arrange a site visit and send a letter detailing observations post site visit to Mr. Lay and MA Fish & Wildlife.

**Discussion: FY24 Conservation Commission staffing**

Ms. Greene shared information, including a table showing conservation office staffing in surrounding towns, to help the Commission prepare for a discussion with the Merrimac Selectboard on January 30<sup>th</sup> about the need for increased conservation agent hours.

The Commission also discussed how Merrimac has been lucky that in the past, former Chairs including Lou Nucci and Bob Prokop, had done most of the work that an agent would do as unpaid volunteers.

**Discussion (continued): FY24 Conservation Commission budget**

The Commission reviewed the final budget that Ms. Greene had submitted to the FinCom.

**Discussion: MACC Spring Conference & Fundamentals Units**

Ms. Greene advised that Alternate Commissioner, Charlie Covahey, expressed interest in attending the spring conference and taking fundamentals units but that covering these costs was usually done only for Commission Members and not Alternate Commissioners. Mr. Pearson advised that as long as the funding will not prevent Commission Members from attending or registering for units, that the money can be spent on the attendance and enrollment of Alternate Commissioners.

**Other Business:**

Abbey Road Development (not on agenda)

Ms. Greene gave the Commission an update on the ongoing development of Abbey Road, off Bear Hill. A majority of the work has been done on the site but certain items, like removing a gravel road through wetlands and restoring that area and constructing the rain gardens, have not yet occurred. This work is proposed in resource areas and buffer zones however, the Order of Conditions for the work expired in October 2022. As this work was required as conditions of the Order of Conditions, it does not make sense to ask the applicant to file a new Notice of Intent for this work as that would only result in an Order of Conditions giving the applicant permission to do the work but not requiring it. Because of this, Ms. Greene suggested a “friendly” enforcement order, one that does not levy fines or require a cease-and-desist, but orders the remaining work be completed should be issued. The Commission agreed with this path.

Ms. Greene advised that the approved plans for the project refer to a planting plan for the area where the road is to be removed from wetlands but that no planting plan can be found within the

plans or the NOI filing. She suggested that the EO require the applicant to submit a planting plan to the Commission for their review by their April meeting. The planting plan should include the species, quantities, and locations of the proposed plantings; a monitoring plan to ensure success of the plantings; details on the material used for the soil in the replication area; plantings proposed in both the berm areas shown on the plan and the wetland areas where the gravel roadway is to be removed; and a pre-activity meeting with the agent, applicant, and applicants representative/contractor to perform the work prior to commencing. It was also suggested that the applicant could contact Tom Hughes, who prepared the NOI filing and permitted the original project, as he may be able to provide a copy of the original planting plan.

Tree removal – 8 Little Pond Road (not on agenda)

Ms. Chandler advised she observed a large number of trees being cut at this property in what appears to be the 100' buffer zone of wetlands. Ms. Greene advised she will drive by the property and see if she can observe evidence of tree clearing.

National Grid 2023 YOP continued discussion (not on agenda)

Ms. Greene informed the Commission that although she inadvertently did not submit the Commission's comments on the YOP to National Grid in timely manner, she had done so for West Newbury who shared substantially the same concerns including how are wetlands determined in the field, what practices will be used to dispose of cut invasive plant material, what will be done to prevent the introduction of new invasive plant populations, and what precautions will be taken when working in sensitive areas. National Grid had responded with a letter indicating that most wetlands are located via GIS mapping, that general BMPs are used to manage invasive plants, and that in wetlands herbicides used will only be ones which have been approved for use in wetlands.

**Old Business:**

None

**Informal Discussion:**

None

**Community Input:**

None

**Approval of Minutes: November 22, 2022**

Deferred – a quorum of Commissioner's present at this meeting were not in attendance.

**Approval of Minutes: December 21, 2022**

Deferred

**Correspondence:**

None

**DEP Comments:**

None

**Next Meeting: Tuesday, February 28, 2023**

**Adjourn**

*Mr. Mathieu motioned to adjourn the meeting. Mr. Hochmuth seconded the motion and the meeting was adjourned at approximately 8:00 PM.*