



TOWN OF MERRIMAC
CONSERVATION COMMISSION
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Conservation Commission Meeting Minutes

Tuesday, February 22, 2022

Merrimac Public Library – Library Meeting Room

Members Present: Jon Pearson, Gregory MacLean, William Andrulitis, Gregory Hochmuth, Jerome Mathieu, and Michelle Greene Conservation Agent

The meeting was called to order at approximately 7:00 PM. In the absence of Chair Robert Prokop, Jon Pearson assumed the role of Chair for the meeting.

Public Hearing: Notice of Intent (continued): 21 Middle Road, Lee Pratt, Jr., Re: Construction of a wood footbridge, construction of a wood elevated stairway, and installation of a seasonal float in the Merrimac River, DEP# 045-0310

Greg Hochmuth of Williams and Sparages recused himself from the commission on this item and then appeared on behalf of the applicants. He explained that due to the steep conditions of the site the proposed wooden staircase will need to be extended and new plans will be drafted to reflect this. Mr. Hochmuth also advised that the state's Natural Heritage and Endangered Species Program had issued a no take letter for the project. Mr. Hochmuth requested to continue to the next meeting.

Mr. Andrulitis motioned to continue the hearing to the next meeting. Mr. MacLean seconded. Mr. Hochmuth abstained. The motion passed unanimously.

Public Hearing: Notice of Intent (continued): 14 Nichols Street, Bob Cormier, Roam Realty, LLC, Re: Construction of a single-family home, driveway, utilities, and associated grading, DEP# 045-0311

Bill Manuell of Wetlands Land Management appeared on behalf of the applicant and presented revised plans showing the changes the Commission requested at the previous meeting which were two infiltration units for roof runoff and two replacement 1" caliper trees as mitigation for the tree being removed. Ms. Greene reviewed draft Special Conditions for the project.

Mr. Mathieu motioned to close the public hearing. Mr. Andrulitis seconded and the motion to close passed unanimously. Mr. Mathieu motioned to approved the revised plan and issue an Order of Conditions with the Special Conditions as presented and the Standard Conditions. Mr. MacLean seconded and the motion passed unanimously.

Public Hearing: Request for Determination of Applicability: 7 Locust Grove Road, Gail Gorman, Re: Tree removal

Gail Gorman appeared before the Commission as requested. Mr. Pearson asked how many trees have been removed from the site and Ms. Gorman advised that there are 9 trees to be removed. Ms. Greene advised she stopped by the site on February 22nd and counted 31 stumps from seemingly living trees that were cut and 3 stumps from seemingly dead trees that were cut. Mr. Hochmuth asked if there was a plan to deal with the felled trees which Ms. Gorman answered that once the additional trees are cut, the brush will be chipped and chips will not be placed in the wetland and the trees will be cut and split into firewood. Ms. Gorman presented a planting list to replace the trees with plants and bushes and advised she would plant a conservation seed mix to stabilize the area. Ms. Greene advised that some plants on the proposed list were not native and that she will provide Ms. Gorman with a list of native plants appropriate for the site. Ms. Gorman explained that she cut large 9 trees and proposes to replace them with bushes 2:1 for a total of 18 bushes planted along the existing tree line. Ms. Gorman advised she will leave the tree stumps in place, cut them low, cover with soil and seed them. Ms. Greene confirmed with Ms. Gorman that the bushes will be planted by hand. Ms. Greene read through a list of Special Conditions for the remaining tree removal and the replanting.

Mr. Hochmuth motioned to close the public hearing. Mr. Andrulitis seconded and the motion passed unanimously. Mr. Hochmuth motioned to issue a Negative 3 Determination with the Special Conditions as read. Mr. MacLean seconded and the motion passed unanimously.

Insignificant Change Request: 11 Belmore Road, Vinfen Corporation, Re: Request to relocate patio, install infiltration around patio, planting in buffer zone for mitigation, DEP# 045-0298

Greg Hochmuth of Williams and Sparages recused himself from the commission on this item and appeared on behalf of the applicant and explained that a deviation had occurred between the approved plan which showed a patio on the left side of the building and what was actually built which moved the patio to the back of the building within the Commission's 50' no build zone. Mr. Hochmuth explained that as mitigation, the applicant is proposing a 1' wide 2' deep infiltration trench, planting native plants in the backyard along the tree line in an area approximately 5' wide by 30' long, and moving the conservation post opposite of wetlands flag A6 from behind the plantings to in front of them. After a two-year growing season, replacing any plants that don't survive, Mr. Hochmuth will submit a new as-built plan and certificate of compliance request. Ms. Greene asked if there will be an operation and maintenance plan for the infiltration trench and Mr. Hochmuth advised he will provide one.

Mr. Mathieu moved to approve the insignificant change request with the proposals as conditions. Mr. MacLean seconded. Mr. Hochmuth abstained and the motion passed unanimously.

Partial Certificate of Compliance Request: 4 Little Pond Road, DEP# 045-0017

Ms. Greene presented the partial Certificate of Compliance request to the Commission and recommended they issue the Certificate as the Order of Conditions was for the whole Little Pond development and there are no wetlands or buffer zones on this property.

Mr. Hochmuth motioned to issue a partial Certificate of Compliance. Mr. Andrulitis seconded and the motion passed unanimously.

Discussion (continued): 0 West Main Street (across from Kenoza Vending), The Flats @ Merrimac Square, Re: update from 1st hearing and ZBA recommendations for peer review

Ms. Greene advised that the next ZBA meeting on the Comprehensive Permit for The Flats @ Merrimac Square will be held on March 16th. She advised she will recirculate the letter from the Commission to the ZBA listing their recommendations.

Discussion (continued): West Newbury Climate Resiliency Committee, Re: Answers to questions on River Road erosion mapping & collaboration on MVP grant

Ms. Greene advised she would keep the Commission in the loop with any updates on this. Regarding the erosion issued from the Merrimack River, Mr. Mathieu advised he could be advantageous for Merrimac to partner with West Newbury on this. Mr. Hochmuth added that the issues discussed are ongoing problems for all municipalities with riverfront property.

Discussion (continued): Lake Attitash ramp erosion along Attitash Avenue, Re.: Update on work done and possible future work

Ms. Greene advised the deeply eroded pits had been filled in by the Merrimac DPW removing the immediate safety concerns. She advised she is keeping an eye out for grants to potentially fund a long-term solution.

Old Business (continued): Update on memorial tree planting in honor of former Conservation Commissioner Janet Terry

No update.

Other Business: Review and approve annual report due to Board of Selectmen 3/4/2022

The Commission advised that the draft report that was circulated was all set to send to the Board of Selectmen.

Informal Discussion:

The Commission discussed possibly holding future meetings via Zoom rather than in person. It was decided that the Commission would prefer to remain with in-person meetings but will monitor the COVID situation and if it gets worse will reconsider Zoom meetings.

Community Input: None

Approval of Minutes: December 28, 2021

Mr. Mathieu motioned to approve the minutes as revised. Mr. MacLean seconded. The motion passed unanimously.

Approval of Minutes: January 25, 2022

Mr. Mathieu motioned to approve the minutes as revised. Mr. MacLean seconded. The motion passed unanimously.

Correspondence:

DEP Comments:

Next Meeting: March 22, 2022

Adjourn:

Mr. Mathieu motioned to adjourn. Mr. Andrulitis seconded. The motion passed unanimously and the meeting was adjourned at 8:27 PM