



TOWN OF MERRIMAC
CONSERVATION COMMISSION
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Conservation Commission Meeting Minutes

Tuesday, March 22, 2022

Merrimac Public Library – Library Meeting Room

Members Present: Robert Prokop, Chair; Jon Pearson; Gregory MacLean; William Andrulitis; Jerome Mathieu; Arthur Yarranton; Wystan Umland; Gregory Hochmuth, Alternate Member; and Michelle Greene Conservation Agent

The meeting was called to order at approximately 7:05 PM.

Public Hearing: Notice of Intent: 55 West Shore Drive, Michael Coyne, Re: Raze an existing addition, construct a two-story addition, construct a rain garden, remove asphalt paving, install pervious pavers, and replace an existing fence, DEP# 045-0312

Michael Seekamp, Seekamp Environmental Consulting, Inc., represented the applicant, Michael Coyne, who was also present for the hearing, and gave an overview of the proposed project which would raze an existing addition, construct a new addition with a slightly larger footprint, construct a rain garden, and remove existing concrete to be replaced with pervious pavers. Mr. Seekamp indicated that with the removal of concrete, even with the slightly larger footprint of the addition, the total impervious area at the site will be reduced by 375 sq. ft. Due to the proximity of the existing house and addition to Lake Attitash, Mr. Seekamp also requested a waiver to the MCC's 50' no build zone; the MCC discussed this request and were in agreement to grant the waive as the proposed addition must attach to the existing home and there is no way to accomplish this and be out of the 50' no build zone. The MCC acknowledged that the plans as presented include mitigation for this request including drip trenches, the construction of a rain garden, and the reduction of impervious area. Ms. Greene inquired where the storage of spoils and any required dumpster would be and Mr. Seekamp advised they would be located across the street from the lake.

Mr. Yarranton motioned to close the public hearing. Mr. MacLean seconded. The motion passed unanimously.

Ms. Greene read though a draft of proposed special conditions for the project which included ensuring erosion controls are installed as shown & inspected prior to starting work; locating all spoils and dumpsters across the street; plantings for the rain garden being native plants approved by the Agent prior to planting; and ongoing conditions prohibiting the use of sodium-based deicers, pesticides, and herbicides in the buffer zone; and requiring any fertilizer used to be low in nitrogen and used in moderation.

Mr. Pearson motioned to issue and Order of Conditions with the standard conditions and special conditions as proposed. Mr. Mathieu seconded. The motion passed unanimously.

Public Hearing: Request for Determination of Applicability: 21 Church Street, Todd Michel, Re: construction of a 49' x 30' storage and workshop building

Michael Seekamp, Seekamp Environmental Consulting, Inc., represented the applicant, Todd Michel, who was also present for the hearing, and indicated that there was an error in the dimensions of the proposed structure which is actually 40' x 30'. Mr. Seekamp described the site which includes an existing gravel driveway and parking area, a chain link fence, and a highly degraded isolated wetland, which he claimed does not connect to any other wetland. Although the isolated wetland is offsite, the proposed structure would be within 25' of the isolated wetland. The isolated wetland is 2,917 sq. ft. which is too small to receive protection under the Wetlands Protection Act but does receive protection under the Merrimac Wetlands Protection Bylaw. Mr. Seekamp read through the performance standards for an isolated wetland in the local regulations and indicated it is his presumption that it does not play a role in the interest. Mr. Seekamp advised that a waiver is being requested for activity within the 25' no disturb zone and that as mitigation, the trash and debris will be cleaned out of the wetland. As the wetland is not on Mr. Michel's property, he has sought permission from the abutters for this activity and Mr. Seekamp advised letters of support have been included in the filing. Additionally, Mr. Michel is proposing purchasing and installing no dumping signs to be installed near the wetland behind the Credit Union to discourage future dumping; the Credit Union supports this. Mr. Prokop inquired about the USGS maps that show a stream which connects from a larger wetlands system to the headwaters of Cobbler's Brook which appears to include this isolated wetland. Mr. Seekamp advised Mr. Michel spoke to the town's DPW director, Bob Sinibaldi, who indicated that there is no stream and hasn't been one as long as he can remember but that there is underground drainage that runs through the area and discharges to Cobbler's Brook. Mr. Seekamp confirmed he was able to locate this outlet at Cobbler's Brook but was unable to locate any inlet or outlet in the isolated wetland. Mr. Pearson inquired if there was a plan to manage stormwater from the new building and Mr. Seekamp advised a drip trench could be installed around the perimeter. The Commission noted missing items on the submitted plans included a lack of contours, no infiltration trench, and the 25' no disturb and 50' no build buffers not being shown and advised a revised plan is needed before they can issue a Determination.

Mr. MacLean motioned to continue the hearing. Mr. Mathieu seconded and the motion passed unanimously.

Public Hearing: Request for Determination of Applicability: Lake Attitash, Off Bisson Lane, MA Dept. of Fish & Game – Fishing & Boating Access, Re: Demolition & reconstruction of the concrete boat ramp and the bituminous parking lot at Lake Attitash, DEP# 045-0XXX

Danielle Goudreau of Collins Engineers, Inc. appeared on behalf of the applicant and introduced the project which proposes to repave the existing boat ramp parking lot, reconfigure the parking lot to include new parking spots and handicap parking, mill and resurface the parking lot, remove and replace the existing concrete boat ramp with a pre-cast concrete ramp, and install a 15' prop wash pad with the intent to reduce scour currently occurring to the riprap at the end of the boat ramp from boater's power loading. The project also includes remove a section of pavement that

extends to Bisson Lane but is not in use and planting this area with native vegetation. The work in the parking lot will result in a decrease in impermeable surface at the site. The Commission inquired if there were any stops to prevent a boater from backing all the way down the prop wash and Ms. Goudreau advised a curb will be installed to prevent boaters from backing too far in. Ms. Greene asked if the applicant had filed with the DEP Waterways program for a Chapter 91 Permit and Ms. Goudreau advised they would be after the Conservation permitting process was complete. The Commission discussed the cofferdam system being proposed for the ramp work. Ms. Goudreau advised that super sacks or sheet piles and that if sheet piles are used, they will be removed from the site rather than cut and left in place when the work is finished. A floating silt screen will also be installed around the cofferdam which will be monitored by the contractor and the MA Dept. of Fish and Game. The water pumped from the cofferdam will be discharged between the cofferdam and silt screen to prevent siltation. Ms. Goudreau advised the project will take approximately 3 months to complete once it is started. The Commission asked if signs could be posted well in advance of the ramp closure to give people time to plan accordingly.

Mr. Prokop shared a set of plans that he marked with suggested changes and additions to the project. The suggestions included planting flowering trees instead of just having grass around the parking lot and adding large boulders around a grassed area near Bisson Lane to prevent vehicles from parking on the grass which he indicated is an ongoing issue. He also suggested removing the existing chain link fence between the grassed area and the wetlands to improve wildlife passage from the wetlands to the lake. Ms. Goudreau advised she could check with the Dept. of Fish and Game to see if they are open to these suggestions but cautioned that the Dept. does not have the budget to maintain trees and may not agree to planting trees or installing boulders.

Marie-Claire Nicol, an abutter at 2R Meadow Ave. raised concerns of ongoing flooding issues at the parking lot and inquired if the parking lot is being replaced, what will be done to prevent flooding. Ms. Gaudreau advised the parking lot is being replaced in kind with a reduction of impervious surface area resulting in no changes to storm water at the site. Mr. Pearson added that if flooding is caused by the lake rising that adding drainage to the parking area will not mitigate the flooding.

Pauline Duhamel of 71 West Shore Road commented that although trees are aesthetically pleasing, the amount of leaves in and around the lake are a problem and that 3-4 truckloads of leaves were removed this past fall.

The Commission indicated that items are missing on the plans and the plans need to be revised to show the 100' buffer from the bank of Lake Attitash and the 25' no disturb and 50' build buffers. The Commission also advised the applicant needs to request a waiver from the 25' no disturb buffer for the paving that will occur in this area. Ms. Gaudreau advised the removal of old pavement which reduces the impervious area at the site and the removal of the chain link fence which improves wildlife movement will be used as mitigation for the waiver request.

Mr. Mathieu motioned to continue the hearing. Mr. MacLean seconded and the motion passed unanimously.

Violation: 2-4 Highland Road, Michael & Ariel Matthews, Re: Tree cutting in buffer zone without a permit

Mike and Ariel Matthews were present for the discussion. The Commission inquired how many trees were removed at the site which the Matthews answered 4 large pine trees which were removed as they felt they presented a hazard due to leaning over the house, the stumps of the trees are still in place. The Matthews would eventually like to create a garden in the area where the trees were removed. The Commission advised the best way to determine how the Matthews should proceed is to conduct a site walk to see what resource areas may be present and get an idea how close the tree removal occurred to these resource areas. A site walk was scheduled for Saturday April 23rd ahead of the April 26th meeting. Mr. Matthews inquired if there was any work he could do at the site in the meantime and the Commission advised to hold off on any work before the site visit.

Public Hearing: Notice of Intent (continued): 117 River Road, Daniel Schultz, Re.: Installation of an in-ground pool, patio, wood platform and seasonal dock, DEP# 045-0308

Greg Hochmuth of Williams and Sparages recused himself from the meeting and appeared on behalf of the home owners, Daniel Schultz and Charlie Covahey, who were also present. Mr. Hochmuth gave a brief overview of the site and explained the hearing had previously continued due to concerns over the property lines explaining that an existing garage was previously permitted by the Commission but that a portion of this garage is actually located on the abutting lot owned by the town however, the plan did not show this property line which was brought to Mr. Hochmuth's attention by an abutter. Since then, Mr. Hochmuth has contacted an attorney and spoke with the town's DPW Director and Building Inspector, Bob Sinibaldi, on how to proceed. The advice has been to proceed with the Conservation permitting process and if the town wants to have a portion of the garage, air conditioner, or anything else on town property moved, the property owner's title insurance would cover this and any relocation of structures or site work would require a new filing with Conservation.

Mr. Hochmuth reviewed the plans with the Commission indicated that no grading will occur past the elevation 11' contour. Flood storage will be provided over a 1:1 ratio, half an existing basketball court will be removed resulting in ~200' of pavement removed from the site, an infiltration trench is proposed along the entire east side and a portion of the west side of the patio, and a small planting area is proposed. Mr. Hochmuth also advised that there had previously been an inground pool at this site and what is being proposed lines up with what had existed however, the new pool will be smaller. Ms. Greene and Mr. Hochmuth discussed a plan for when the pool has to be dewatered to ensure chlorinated water would not be discharged into any resource areas. Mr. Mathieu asked if the area flooded, would the pool water enter the river and Mr. Hochmuth advised it would. The dock was also discussed and Mr. Hochmuth advised it is a seasonal dock which will be floated up the Merrimack for offsite winter storage, that all structures and the dock will be located at least 18" above the ground, and that the planking on the platform will be spaced at least $\frac{3}{4}$ " apart. Ms. Greene went over draft special conditions for the project.

Mr. Mathieu motioned to close the public hearing. Mr. Umland seconded and the motion passed unanimously.

Mr. Pearson motioned to issue an Order of Conditions with the Standard Conditions and Special Conditions as discussed. Mr. Mathieu seconded and the motion passed unanimously.

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 meeting and appeared on behalf of the applicant and discussed the Commission's site walk and a need for a staircase at the site due to the steep slope. Mr. Hochmuth also indicated that a gravel walkway is being proposed to reduce centralize foot traffic to the dock. An invasive species management plan is also being proposed, the majority of invasives will be removed from the site by hand while large bittersweet vines will be cut and treated with herbicide; the removed invasive plants will be replaced with native plants at a 1:1 ratio except in the case where invasives are clustered tightly together where this cluster will be replaced with 1 native plant. Ms. Greene went over draft Special Conditions for the project.

Mr. Yarranton motioned to close the public hearing. Mr. Andrulitis seconded the motion and the motion passed unanimously.

Mr. Pearson motioned to issue an Order of Conditions with the Standard Conditions and the Special Conditions as discussed. Mr. Mathieu seconded the motion and the motion passed unanimously.

Partial Certificate of Compliance Request: 8 Spring Hill Road, f/k/a Lot 10, DEP # 45-0017

Ms. Greene explained that 8 Spring Hill does not have resource areas or buffers on the property and is encumbered by the Order of Conditions for the entire Long Pond Development.

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

Discussion (continued): 0 West Main Street (across from Kenoza Vending), The Flats @ Merrimac Square, Re: Update from 2nd ZBA Hearing on 3/16/2022

Ms. Greene provided an update indicating that an environmental review is being requested by another board which will be available for the Commission to review once complete. Ms. Greene advised the applicant indicated a NOI under the Wetlands Protection Act should be submitted to the Commission by mid-April.

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

No update.

Other Business: Warrant signing for MACC conference reimbursement

The Commission approved and signed the warrant to reimburse Mr. Mathieu for the MACC conference.

Approval of Minutes: January 25, 2022

These minutes were approved at the 2/22/2022 meeting.

Approval of Minutes: February 22, 2022

Deferred

Next Meeting: April 26, 2022

Adjourn:

Mr. Pearson motioned to adjourn the meeting. Mr. Mathieu seconded the motion passed unanimously and the meeting was adjourned at 10:15 PM.