



TOWN OF MERRIMAC
CONSERVATION COMMISSION
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Conservation Commission Meeting Minutes

Tuesday, April 26, 2022

Merrimac Public Library – Library Meeting Room

Members Present: Jon Pearson, Chair (elected during item 1 of this meeting); Jerome Mathieu, Vice Chair (elected during item 1 of this meeting); Arthur Yarranton; Gregory Hochmuth; Gregory MacLean; William Andrulitis; Wystan Umland; and Michelle Greene Conservation Agent

The meeting was called to order at approximately 7:00 PM.

Other Business: Election of Conservation Commission Chair and election of Conservation Commission Vice Chair

Jon Pearson acted as Chair in the absence of a Chair.

Mr. Pearson advised that with the resignation of longtime Commissioner Robert Prokop the Commission needs to elect a Chair and a Vice Chair per the local wetlands regulations, both positions are to be elected annually after the spring town meeting. Mr. Pearson agrees with this and thinks it makes sense to rotate the positions.

Mr. Andrulitis nominated Mr. Pearson as Chair with a term of one year ending after the 2023 spring town meeting. Mr. Yarranton seconded. Mr. Pearson accepted the nomination and the motion passed unanimously.

Mr. Pearson indicated that in the past, he had acted as Vice Chair however he had never officially been elected to this role. The Vice Chair role is a good role for someone who may like to be Chair in the future.

Mr. Hochmuth nominated Mr. Mathieu as Vice Chair with a term of one year ending after the 2023 spring town meeting. Mr. Umland seconded. Mr. Mathieu accepted the nomination and the motion passed unanimously.

Other Business: Discussion regarding current Alternate Conservation Commission Member moving to open Conservation Commission Member spot

With the resignation of Mr. Prokop there is now an open seat on the Commission. Mr. Hochmuth, who had been an alternate member of the Commission expressed his interest in moving to being a full member of the Commission.

Mr. Mathieu motioned to promote Mr. Hochmuth to the open member spot on the Commission. Mr. MacLean seconded the motion and the motion passed unanimously.

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

Michael Seekamp of Seekamp Environmental Consulting, Inc. appeared on behalf of the applicant. Mr. Seekamp presented a revised plan which had been updated to include topography of the site and relocated the garage 2' away from the fence to construct a 8" wide 18" deep trench drain for roof runoff. Mr. Seekamp said that he confirmed with the town that there are no building setbacks for this district. Mr. Seekamp also indicated that the wetland was jurisdictional under the local bylaw only and that mitigation by removing debris from the wetlands was proposed for the requested waiver from the Commission's setbacks.

The Commission confirmed that the building would be set on a slab foundation and that removal of the manmade debris from the wetland will be done by hand. Mr. Yarranton commended the proposed cleanup as it is a shame to have a mess like this in downtown. The applicant, Todd Michel, advised that all abutters are on board with the cleanup and Mr. Seekamp added he will oversee the cleanup and notify MA DEP if there may be any contaminates such as drums or the smell of oil.

Ms. Greene advised that she had revisited the site and the surrounding area with Mr. Andrulitis and Mr. Hochmuth. They were unable to find any inlet or outlet in this wetland which would make the wetland a Bordering Vegetated Wetlands instead of an Isolated Wetland. Ms. Greene reviewed draft Special Conditions for the project.

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

Mr. Mathieu moved to issue a Negative 3 determination with the Special Conditions as reviewed noting that the Commission's Determination does not make a finding on whether the Isolated Wetland is or is not also Isolated Land Subject to Flooding. Mr. Umland seconded the motion and the motion passed unanimously.

Public Hearing: Notice of Intent (continued): 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# 045-0313

Danielle Goudreau of Collins Engineers, Inc. appeared on behalf of the applicant. Ms. Goudreau presented revised plans which included additional details such as proposed silt sock erosion control near the wetlands, the addition of the 25' no disturb and 50' no build buffers from the Bordering Vegetated Wetlands (BVW) and Bank of the lake, and the removal of the existing chain link fence near the BVW to improve wildlife passage. Ms. Goudreau indicated that the existing fence posts will be left in place to reduce disturbance to the resource area and help prevent vehicular access to it.

Mr. Pearson inquired how the new boat ramp will deal with prop wash and Ms. Goudreau advised that the new ramp includes an additional 5' of concrete pad that extends into the lake followed by riprap, she advised that the MA Dept. of Fish and Game finds this design to work well to prevent scour. The existing scour at the site will also be addressed by the ramp extending 20' – 25' further into the lake.

Mr. Pearson inquired if there had been an update to the Commission's request to include boulders, to prevent vehicular access, and trees in the grassed areas surrounding the parking lot. Ms. Goudreau advised she had checked with the MA Dept. of Fish and Game about this and they responded that they do not have the resources to plant and maintain trees and that they feel the number and size of boulders as currently proposed is adequate. Mr. Pearson disagreed with the boulders as proposed and advised that additional boulders are needed on the grasses area near the entrance to Bisson Lane to prevent vehicles from parking in this area. Mr. Andrulitis agreed and added that vehicles parked in this area run the risk of leaking fluids which could then pollute the BWV. Robert Prokop, an abutter at 17 Bisson Lane, added that large boulders could be placed 3-4' apart along the perimeter of the grassed area which would allow a lawn mower to access the area but would prevent vehicles from parking there. Mr. Prokop also advocated for plantings trees in the area and suggested maintenance would be limited as the strong winds in the area would blow the fallen leaves away or the leaves could be mowed up. Ms. Goudreau responded that the main purpose of the project is to address the prop scour occurring to the lake and the parking lot is to be replaced in kind due to its poor condition; she also added that she does not see the request for boulders is within the Commission's jurisdiction under the Wetlands Protection Act. Mr. Pearson responded that the Commission is requiring the boulders as mitigation under the local bylaw due to the request to work within the 25' no disturb and 50' no build buffers. Mr. Hochmuth added that where the parking is occurring is a sensitive area and the Commission is within its rights to request protection for the area. Mr. Pearson advised that the Commission will condition the use of boulders to prevent vehicles from parking in this area and the applicant can decide to proceed or appeal the condition.

Mr. Prokop shared that he lived nearby when the boat ramp was originally built. During dredging for the boat ramp, a black plume appeared on the southern coast of the lake. Due to this history, Mr. Prokop suggested that a monitor is hired to regularly inspect the proposed silt curtain regularly during construction to ensure it is working adequately. Ms. Greene agreed and added that as a part time Agent, she does not have the time availability to perform regular monitoring during construction. Ms. Goudreau indicated that the project engineer will monitor, update weekly, and reach out immediately if there are any issues.

Adam McLaughlin an abutter at 4 Lake Avenue and a member of the Lake Attitash Association (LAA) advised that the LAA has been working with the MA Dept. of Fish and Game for at least 5 years on this project and that he would hate to see it fall apart over boulders. Ms. Greene asked if there was ever any communication with the Conservation Commission during this process and Mr. McLaughlin indicated there was not. Ms. Greene suggested that for future projects, it could be helpful to loop the Commission in during the design and planning phases to potentially avoid issues or disruptions during permitting.

Ms. Greene read through proposed Special Conditions for the project.

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

Mr. Mathieu motioned to approve the waiver request and issue an Order of Conditions with the Special Conditions as discussed and the Standard Conditions. Mr. Hochmuth 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 3rd ZBA Hearing on 4/12/2022

Ms. Greene shared an update from the ZBA Hearing.

Other Business: Discussion Re: Change of site walk dates through fall 2022 from Saturday morning to a weekday afternoon or evening

The Commission generally agreed that weeknights would work for site visits due to the length of daylight. It was decided that site visits will be scheduled for the Tuesday before the meeting beginning at 5:30 PM with ability to adjust if the site visit schedule is particularly busy.

Other Business: Review application and make recommendation to Board of Selectmen Re: Request for appointment as Alternate Member of Commission- Charlie Covahey

The Commission reviewed the information that Charlie Covahey had provided and determined that they recommend the Board of Selectmen appoint Mr. Covahey to one of the two open alternate member seats.

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

Ms. Greene explained that unfortunately, money for a tree was not in the FY2022 budget. The Commission agreed to push this item out to July and review the FY2023 budget.

Informal Discussion:

The Commission discussed Mr. Prokop's resignation from the Commission, the Commission was thankful for Mr. Prokop's many years of service.

Ms. Greene shared with the Commission that National Grid has proposed vegetation management within their utility Right of Way for this fall. She also provided what National Grid sent as their best management practices for working in wetlands, an activity that is exempt under the Wetlands Protection Act.

Ms. Greene provided an update on the Bear Hill culvert replacement project. She indicated that the project got off to a rough start as dewatering commenced after a period of heavy rain which resulted in higher-than-normal flow at the Back River. Ms. Greene advised that a silt screen had been added downstream of the culvert and dewatering work to catch any silt that entered the river and that additional pumps were brought to the site to assist with the dewatering.

Ms. Greene provided an update on 2-4 Highland which had previously been in front of the Commission for a violation for tree clearing likely within jurisdictional areas without a permit.

She explained that Mr. Pearson, Mr. MacLean, and herself visited the site last week and it appears that there are wetlands and that the work was within 100' of them and possibly within a wetland in one location. She advised that the homeowners were asked not to proceed with anymore work, to have the area delineated, and based on the delineation she can assist them in determining which filing type is the most appropriate for the work proposed.

Ms. Greene explained she had been contacted by a property owner at 26 Church Street who is looking to replace a retaining wall and add fencing in an area that is likely within 50' of a wetland. Mr. Hochmuth suggested the homeowner should have the area delineated and shown on a plan then the Commission or Ms. Greene can review and suggest the appropriate filing type for the proposed work.

Community Input: None

Approval of Minutes: January 25, 2022

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

Approval of Minutes: February 22, 2022

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

Correspondence: None

DEP Comments: Offer from MA DEP Circuit Rider Alicia Geilen to present a Wetlands Protection Act training to the Commission

The Commission discussed this and determined that this could be helpful. Ms. Greene advised she would also share a Wetlands Protection Act 101 slideshow with the Commission.

Next Meeting: May 24, 2022

Adjourn:

Mr. Pearson motioned to adjourn the meeting. Mr. Yarranton seconded and the motion passed unanimously and the meeting was adjourned at approximately 9:30 PM