



**TOWN OF MERRIMAC**  
**CONSERVATION COMMISSION**  
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**Conservation Commission Meeting Minutes**

**Tuesday, November 22, 2022**

Merrimac Public Library – Library Meeting Room

**Members Present:** Jon Pearson, Chair; Jerome Mathieu, Greg MacLean, Arthur Yarranton, and Michelle Greene Conservation Agent

**The meeting was called to order at approximately 7:00 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**

Per the applicant's request, received by email prior to the meeting, the hearing was continued to the December 2022 meeting.

**Discussion: Review and draft recommendations to the ZBA for the waivers requested from the local wetlands protection bylaw and regulations by Ray Cormier – AA @ Merrimac Square LLC for the Comprehensive Permit Application for the construction of 0 West Main Street, Map 49-1 Lot 7 (across from Kenoza Vending), The Flats @ Merrimac Square**  
Ms. Greene provided background to date on the project including what has been requested and has yet to be received by the MCC of the applicant and a response to the the October 2022 peer review by Horsley Witten.

Mr. Yarranton commented that the applicant has not yet provided any specific reasons as to why a waiver or waivers from the wetlands bylaw and regulations are needed. Mr. Mathieu added that the MCC has requested months ago what the impacts to the project would be if the bylaw and regulations were complied with. Ms. Greene added that the current waiver request list is still unclear; there are sections of the bylaw and regulations that apply to the project, it is unclear if the applicant is planning to comply with these sections since a waiver was not requested from them. The MCC was in agreeance that reasons as to why the waivers are needed for the project are still needed, that they do not believe a carte blanche waiver should be given from the bylaw and regulations, and that plans showing all the information are needed for the project as the MCC can't condition undefined plans. Ms. Greene will draft a list of recommendations on the requested waivers and a letter to the ZBA to be reviewed at the MCC's December meeting before sending to the ZBA.

The certifiable vernal pool on site was discussed. The MCC believes the certification process should be started by the MCC/agent and that the applicant should be notified by letter that the MCC plans to undertake this before that process starts.

**Certificate of Compliance Request: 16 Nichols Street, A/K/A 14 Nichols Street Lot 2, DEP# 045-0311**

Ms. Greene advised that the site looks to be in good shape with the 2 required trees planted in the background; she noted that the front of the property along the roadway is not vegetated and that this was discussed with Bob Cormier, the applicant for the Order of Conditions and developer for the project, and that he will seed the area and stake in biodegradable matting to stabilize the area until the grass is fully germinated and the site vegetated.

*Mr. MacLean moved to issue a Certificate of Compliance. Mr. Yarranton seconded the motion and the motion passed unanimously.*

**Partial Certificate of Compliance Request: 28 Little Pond Road, F/K/A Lot 24, DEP# 045-0017**

Ms. Greene explained that this house lot is encumbered by the Order of Conditions which is for the entire Little Pond development. The lot is bisected in the back by a stream that is shown as perennial on the USGS maps and a wetland on the east of the lot. An Order of Conditions to clear the lot and build the house, which was done in the early 1990's, was never obtained even though the lot appears to be in jurisdictional areas. In reviewing the site on aerial maps, a pool was installed behind the house sometime between 1998-2001. The pool installation would likely have been exempt under the Wetlands Protection Act and was installed before the MCC had a local wetlands bylaw that would have required a filing. Ms. Greene explained that the MCC could require an after-the-fact filing for the house but that it would likely not be the best use of their resources. Ms. Greene also advised that the prospective buyer of the house has been informed to contact the MCC before conducting work on the lot as it may be subject to a filing before it can commence.

*Mr. Mathieu moved to issue a partial Certificate of Compliance to release 28 Little Pond Road, FKA Lot 24, from the Order of Conditions for the Little Pond development. Mr. MacLean seconded the motion and the motion passed unanimously.*

**Other Business: Approval of warrant, second payment to Horsley & Witten for Flats peer review**

*Mr. Mathieu moved to approve the warrant and pay the invoice from the applicant's escrow account. Mr. MacLean seconded the motion and the motion passed unanimously.*

**Other Business (not on agenda): Approval of warrant, payment to Mead, Talerman, and Costa for legal advice**

*Mr. Mathieu moved to approve the warrant and pay the invoice from the MCC's wetlands revolving account. Mr. Yarranton seconded the motion and the motion passed unanimously.*

**Other Business: Michelle Vacation 12/27/2022 – 1/3/2023**

Ms. Greene advised she will be taking vacation from 12/27/2022 – 1/3/2023.

**Other Business:**

None

**Old Business:**

None

**Informal Discussion:**

None

**Community Input:**

None

**Approval of Minutes: July 26, 2022**

*Mr. Mathieu moved to approve the July 26, 2022 minutes with revisions as discussed. Mr. MacLean seconded the motion and the motion passed unanimously.*

**Approval of Minutes: August 23, 2022**

*Mr. Mathieu moved to approve the August 23, 2022 minutes with revisions as discussed. Mr. MacLean seconded the motion and the motion passed unanimously.*

**Approval of Minutes: September 27, 2022**

*Mr. Mathieu moved to approve the September 27, 2022 minutes with revisions as discussed. Mr. MacLean seconded the motion and the motion passed unanimously.*

**Correspondence:**

None

**DEP Comments:**

None

**Next Meeting: Determine meeting date for December meeting. Review 2023 Meeting Schedule.**

The MCC selected Wednesday, December 21, 2022 for the December meeting.

Ms. Greene advised that the library is not available for the April 25, 2023 meeting. The MCC advised they would determine the April meeting date at the March 2023 meeting.

**Adjourn**

*Mr. Yarranton moved to adjourn the meeting and Mr. Mathieu seconded the motion. The motion passed unanimously and the meeting was adjourned at 7:50 PM.*