



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

NOVEMBER 4, 2013

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, November 4, 2013 at 6:32 p.m. at the Merrimack Memorial Conference Room.

Chairman Tim Tenhave presided:

Members of the Commission Present: Matt Caron, Vice Chairman
Ron Davies
Gage Perry
Councilor Thomas Mahon (arrived at 6:35 p.m.)
Lauren Kras, Alternate

Members of the Commission Absent: Thomas Lehman
Simon Thomson
Robert Croatti, Alternate

Also in Attendance: Mike O'Donnell, Dubois & King, Inc.
Chase Piekarski, Gate City Collision
James McCaul, Gate City Collision

Commissioners Lehman and Thomson were excused. Chairman Tenhave appointed Alternate Member Kras to serve as a full member.

Chairman Tenhave reminded the viewing audience hunting season is upon us, and encouraged those venturing out into the woods to dress appropriately, e.g., hunter orange, and stick to the trails.

PUBLIC COMMENT - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

1. Gate City Collision Center (applicant) and T.C.P.I. Ventures, LLC. (owner)

Review for recommendation of an application proposing a change of use site plan to convert the former Saab dealership to an auto body repair center and to re-establish the previous use of a paved parking area for vehicle storage on a separate parcel. The parcels are located at 293 Daniel Webster Highway in the C-2 (General Commercial) & Caron Street in the I-1 (Industrial), respectively, and Aquifer Conservation Districts. Tax Map 4D-4, Lot 066 and Tax Map 3D-2, Lot 046.

Mr. Mike O'Donnell, Dubois & King, Inc. stated the site was previously a SAAB dealership. The piece along D.W. Highway was the actual dealership building where cars were sold and serviced. The area in the back was a vehicle storage facility for that and other dealerships in the area. In 2002, an application for an addition to the dealership and expansion of the storage facility was approved by the Planning Board. The addition to the dealership was constructed, and the expansion of the storage facility was started but never completed, e.g., trees cleared, lot leveled, etc.

Being proposed is the relocation of Gate City Collision Center from its current location in Merrimack to this facility. The impetus for the move is the fact operations could be done more efficiently in the proposed facility. The front building would be utilized as a collision repair center. There is no intent to store salvage vehicles onsite. That is not an activity that takes place at the current location and is not proposed for this site. Proposed for the rear lot is continued use for vehicle storage. The lot would be leased to dealerships for storage of new and used vehicles (not salvage; all roadworthy). The remainder of the parcel would be developed in accordance with the previously approved plan, which would entail fencing, the construction of the car wash facility (large building), etc. The smaller existing portable building is intended to remain in its current location. The lot would be paved in accordance with the plan approved in 2002.

Site Plan approval is required by the Planning Board given the Change of Use from an automobile dealership to auto body repair for the front building and in the rear where the use has been discontinued for more than a year, re-approval is required both for the use and Site Plan. Both requests will be before the Planning Board. There are also four (4) associated variances. The former SAAB building is located in a C-2 (General Commercial) zone in which an auto body dealership is not an allowable use. Vehicle storage is not an allowed use on the rear lot even though it has been there previously. Because it was discontinued a variance is required. Both uses fall within the Aquifer Conservation District.

Mr. O'Donnell stated his opinion the proposed use would be less intense than the previous. He spoke of work performed at dealerships, e.g., mechanical repairs, fluid changes, etc. and the fact the substances the collision center deals with are mainly paint and paint thinner. Any excess paint is dried into a small mass about the size of a hockey puck, placed in a container and removed by a hazardous waste contractor. Paint thinner is recycled within the building. Nothing occurs outside of the building that could impact soil, surface water, etc.

Mr. O'Donnell spoke of the manner in which the operation is conducted at the current facility; neat operation, site kept in good condition, no salvage cars onsite, etc. The current facility has been in place since 1997 with no complaints or problems, in the Aquifer District and the Commercial zone, which is exactly where they are asking to relocate.

Commissioner Davies questioned whether repairs are performed on strictly automobiles or if heavy equipment was worked on as well. Mr. James McCaul stated the size of the facility restricts the size of vehicles that can be worked on, e.g., only passenger vehicles.

When asked about the ownership of the roadway, Mr. O'Donnell stated it is owned by the property that owns the cell tower. An easement is in place to benefit the surrounding lots. The access road would remain and would be of importance for emergency access, plowing, and access between the two lots; however, the traffic to and from would be significantly less than previous, e.g., occasional versus regular. The facility is connected to Town services. When asked, Mr. O'Donnell remarked modern car washes typically recycle water; however, given the user for that lot has not yet been identified, they would have to either be comfortable with the current approval or go through the necessary process to seek to amend it.

Chairman Tenhave questioned whether there are procedures in place to address spillage. Mr. McCaul stated they have not yet had to deal with any spills. They use Safety Clean to remove all hazardous waste and have absorbent rags stored on the premises. He commented oil leaks, etc. are not common in this business. In instances of small spills the absorbent rags could be used as well as Speedy Dry, which is all properly removed from the site. When asked about HAZMAT certification, Mr. McCaul stated he is certified and he is of the belief one of his technicians is as well. Chairman Tenhave spoke of inclusion of an oil/water separator in the plans, and questioned whether that implies there are floor drains in the building that can pick up fluids. Mr. McCaul stated he checked the water separator and believes it travels out to town sewerage.

Commissioner Perry questioned whether the rear section of the parking area would be built out. Mr. O'Donnell stated the intent is to have that option available for a tenant to undertake if so desired. The purchaser could either construct in accordance with the plan or come back through the process for changes. When asked for clarification, he stated the back lot would be developed; however, timing is unclear. Commissioner Perry spoke of the stipulations included on the plan with regard to use of chemicals for snow melting, etc. Mr. Chase Piekarski stated he does not foresee any problems with the stipulations, and noted they typically utilize sand. Mr. O'Donnell stated there were no changes to the plan approved in 2002. The only change being requested is to allow auto body repair and painting, which was previously expressly excluded from what was being done at the SAAB dealership.

Chairman Tenhave spoke specifically to Note #25, which states in part "All plants are to be set on a raised bed of topsoil and to be on a fertilizing program after installation." Although he understands the landscaping is pretty much done at this point, he questioned if a plan is in place for a fertilization program. Mr. O'Donnell responded, based on that plan versus what exists in the field today, the row of plantings that can be seen along Caron Street by the car wash is no longer in place and the buffer between the west side of the vehicle storage lot has not been planted. Those buffers would have to go in as part of the condition of building that second half of the vehicle storage, and, as per the plan, they would have to be fertilized. He remarked, if there is a concern relative to the fertilizer a note could be added and presented to the Planning Board.

Chairman Tenhave stated a concern with nitrates. Commissioner Perry remarked, given the proximity to the Merrimack River and topography of the area (slope) there is concern. Chairman Tenhave stated the Commission is not opposed to fertilizer programs; however, does not wish for nitrates to be used. Mr. O'Donnell offered to amend the note to exclude nitrate based fertilizers and bring it to the attention of the Planning Board. Chairman Tenhave stated the intent to draft a letter to the Planning Board and offered to copy Mr. O'Donnell.

When asked about the additional doors, Mr. O'Donnell stated the document provided is a progress rendering/drawing, which depicts the most that the building could be changed. The 6 existing doors will not change and the 5 depicted to the right of those would be a similar look. He reiterated the rendering depicts the greatest amount of possible change. They may not end up building all of the doors or some may be placed on the side or rear of the building depending on final design. Commissioner Perry requested clarification the only additional pavement would be located in the back parking lot. Mr. O'Donnell stated that to be the case and noted it would be constructed per the approved plan. Commissioner Perry requested the recommendation include standard verbiage regarding salt use. When asked if the note included on the plan is adequate, Chairman Tenhave stated the Commission typically recommends no de-icing compounds of any sort be utilized or that the use of de-icing compounds be minimized, and that applicators be Green SnowPro Certified. He explained further UNH has a certificate program, which educates on impact of materials used and effective use.

When asked if water runoff from the back parking lot is accounted for on the plans, Mr. O'Donnell stated it would be managed in accordance with the previous design, which includes a leeching basin in

two corners and one somewhat in the middle. The intent would be that surface water is recharged to ground water.

Vice Chairman Caron noted the snow storage area is shown to the south of the building not yet constructed, and questioned whether that would be where snow would be stored from the top lot as well. Mr. O'Donnell stated the plow operator would typically plow the snow into areas adjacent to the pavement. Commissioner Perry pointed out Note #12 speaks to snow being removed from the site if it becomes excessive. Councilor Mahon suggested the Applicant speak directly with the Community Development Department regarding snow storage onsite.

OLD BUSINESS - None

NEW BUSINESS - None

OTHER BUSINESS

- Update on Beaver activities

Commissioner Perry informed the Commission of e-mail communications he has had with Adam Jacobs, Operations Manager, Public Works Department (PWD), regarding additional locations where potential issues have been seen. The trapper is working in a number of those areas, and continues to provide updates on activity level. There has been activity in areas previously trapped, e.g., Madison Lane into Mitchell Woods. Chairman Tenhave stated he has been trying to put a meeting together between himself, the Town Manager, Rick Seymour, Director, Public Works Department, Mr. Jacobs, and Commissioner Perry to discuss beaver activity as there is an associated budgetary impact. Commissioner Perry commented on the large number of dams in Town. He spoke of the increased threat of Triple E during the spring and summer, and the need to address the issue.

- Budget and Finance Review at our next meeting

Chairman Tenhave stated his intent to include a discussion on the agenda for the next meeting. He stated the desire to be as transparent as possible and provide clear concise information to the Commission as well as public with regard to what is being proposed in the budget.

Chairman Tenhave noted the proposed calendar for 2014 was provided to Commissioners electronically, and requested Commissioners review it, and provide any feedback.

He informed the Commission of his receipt of a copy of Forest Notes and stated the copy to be available for review.

Chairman Tenhave informed the Commission of the UNH Cooperative Extension presentation of Forest Laws for Municipal Officials, being conducted on Tuesday, November 19, 2013 in Peterborough, NH.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. October 21,
2013

MOTION BY COMMISSIONER CARON TO ACCEPT AS AMENDED MOTION SECONDED BY COMMISSIONER PERRY

After a brief discussion, Chairman Tenhave stated he would discuss with Tim Thompson, Director, Community Development, the following statement made by Dawn Tuomala, Civil Engineer/Wetland

Scientist, Manadnock Survey, Inc., representing Canis Properties, LLC: "There is an old well located in the back yard, which will have to be filled." stating specific concerns with requirements for wells to be properly abandoned/capped, etc.

Page 4, Line 59; replace the word "floor" with the word "ford".

Page 4, Line 60; add the words "and sand" after the words "So much water" and replace the words "was coming" with the words "have come"

Page 8, Line 19; replace "SDECONDED" with "SECONDED"

Page 9; replace "Helen Wenz" with "Helynn Wenz"

Page 10, Line 39; replace the word "documentation" with the word "documentary"

MOTION CARRIED

4-0-2

Commissioner Davies and Councilor Mahon Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Vice Chairman Caron informed the Commission of a discussion he had with Fire Marshall, John Manuele regarding the work in Grater Woods. Fire Marshall Manuele is looking for the Commission to submit a map of the proposed gate locations on South Grater Road, the recently installed gate on Conservation Drive, and the rock wall created at the end of the Red Maple Trail, which is a task Vice Chairman Caron recommended the sub-committee be charged with. A site walk will be scheduled to review those areas.

Chairman Tenhave stated a desire to bring discussion of the gates forward at the next meeting to begin the process of submitting a request to the Town Council, and suggested the map project may have to be accelerated as it would be necessary as part of the submission to the Town Council.

Vice Chairman Caron informed the Commission he retrieved the lock box, which is very different from those currently being used and is not coded. It weighs about 10 pounds and is key entry. He questioned whether the will of the Commission was to develop a new standard and begin replacing existing boxes ensuring emergency personnel have a copy of the key, etc. Given his uncertainty, the box was not installed. Chairman Tenhave stated his impression the boxes would remain similar to those already being utilized.

Commissioner Perry noted he and Vice Chairman Caron attended the Annual Meeting of the New Hampshire Association of Conservation Commissions. He spoke of meeting someone who participated in the class given by Vice Chairman Caron who raved about his presentation.

Commissioner Kras informed the Commission of a meeting of the New Hampshire Land Trust Coalition on Conserving Farmland and the role easements and management plans play in that. The meeting will be conducted on November 14th beginning at 9:00 a.m. at the Fish & Game Department in Concord, NH.

Councilor Mahon informed the Commission the Town Council has authorized fundraising efforts for the Veterans' Monument at Fraser square.

Chairman Tenhave informed the Commission of a possible wetland violation, which is being looked into by staff. Once a review is conducted information will be provided.

NON-PUBLIC SESSION

MOTION BY COUNCILOR MAHON THAT THE COMMISSION GO INTO NON-PUBLIC SESSION BY ROLL CALL PURSUANT TO RSA 91-A:3, II (D) TO CONSIDER THE ACQUISITION, SALE OR LEASE OF REAL OR PERSONAL PROPERTY, WHICH, IF DISCUSSED IN PUBLIC, WOULD LIKELY BENEFIT A PARTY OR PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY

MOTION SECONDED BY COMMISSIONER PERRY

A Viva Voce Roll Call was conducted, which resulted as follows:

Yea: Commissioner Caron, Commissioner Perry, Commissioner Davies, Commissioner Kras,
Councilor Mahon, Commissioner Tenhave

6

Nay:

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MOTION CARRIED

The Commission went into non-public session at 7:29 p.m.

The Commission came out of non-public session at 8:56 p.m.

Chairman Tenhave stated, for the public record, that the non-public meeting minutes were sealed by Roll Call vote during the non-public portion of the meeting.

ADJOURNMENT

MOTION BY COMMISSIONER CARON TO ADJOURN

MOTION SECONDED BY COUNCILOR MAHON

MOTION CARRIED

6-0-0

The November 4, 2013 meeting of the Merrimack Conservation Commission was adjourned at 8:57 p.m.

Submitted by Dawn MacMillan