



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

## MERRIMACK CONSERVATION COMMISSION

NOVEMBER 20, 2017

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, November 20, 2017 at 6:41 p.m. in the Merrimack Memorial Conference Room.

Chair Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chair  
Michael Boisvert  
Cynthia Glenn (arrived at 6:44 p.m.)  
Gina Rosati  
Tim Tenhave, Alternate Member  
Councilor Jackie Flood

Members of the Commission Absent:

Also in Attendance: Suzanne Rescino, 50 Cota Road  
Laura Federspiel, Cloud K-9  
Luke Federspiel, Cloud K-9

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PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

### STATUTORY/ADVISORY BUSINESS

#### **1. Suzanne M. Rescino (applicant/owner)**

Review for recommendation to the Planning Board for a Home Occupation permit to allow for a hair and nail salon. The parcel is located at 50 Cota Road in the R-4 (Residential) and Aquifer Conservation Districts. Tax Map 5C, Lot 749.

Suzanne Rescino, stated the application is for a home occupation permit to allow for a hair and nail salon. The salon has a separate entrance/office. The application has already gone before the Planning Board, and been approved.

The project does not include new construction, changes in the existing driveway, or disposal or storage of chemicals. The property is on Town sewer, and the sink will be piped into Town sewer.

#### **2. Cloud K-9/Spiel Group, LLC. (applicant) and Richard K. Gagnon Irrevocable Trust (owner)**

Review for recommendation to the Planning Board of a waiver of full site plan review for a change of use to allow for a dog grooming, boarding, and daycare business. The parcel is located at 29 Columbia Circle in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 4D-3,

Lot 008.

Laura Federspiel, Cloud K-9, stated the project was before the Planning Board two weeks ago. The desire is to relocate the existing business from 385 D.W. Highway to 29 Columbia Circle.

When asked about the addition of turf, Ms. Federspiel stated the intent to be artificial turf. A portion of the existing pavement would be removed resulting in an overall reduction to impervious area. It was explained the artificial turf is like sports turf but with a plastic back. It is on top of 6" of compressed crushed gravel that drains through. There is infill, but not rubber infill (little black pellets), it is more of a silica sand that is meant to weigh it down, but also promote good drainage. When asked if there is edging to keep the infill in place, Ms. Federspiel commented it would not move around a lot because the grass itself is thick. It is laid in a frame of wood in the ground.

Luke Federspiel, Cloud K-9, commented the infill is basically brushed onto the plastic barrier, and is so thin you could not pick it up. It becomes kind of one with the grass and just sits on top of that plastic backing. The weight of the silica and it being spiked into the crushed gravel is how it will all stay down.

When asked if there would be any improvement on the slope down to Skyline Mall, Mr. Federspiel stated the complete drop-off will remain the same. There is likely more grade on the initial slope. They are going out 12' from the building. That will have to be graded to some degree when they bring in the fill. The rest of the slope will remain as it is.

When asked about the building roof and gutters, Mr. Federspiel stated it is pitched with gutters. There is only 1 downspout, which deposits onto the ground. They have discussed with the contractors that when doing the dig-out for the yard they bring that underneath into either corrugated pipe or hook it up as far into the existing drywell as they can so that it doesn't flood the yards or run off property, and go down the steep grade into the mall.

Vice Chair Caron questioned the desire of the Commission regarding a recommendation for stormwater treatment. Chair Perry agreed he would like to see some level of treatment.

When asked if landscaping is being proposed, Ms. Federspiel responded there are some bushes near the main entrance that would be maintained. When asked about indoor floor drains, she stated they have already been informed they will all be sealed. They are planning on epoxy floors, and the flooring company will seal them prior to that work.

Councilor Flood questioned if the Commission objects to inside drains. Commissioner Tenhave responded, in older buildings, inside drains typically just run into the ground. If having an inside drain you want to ensure the liquid is collected somewhere and properly treated. When older buildings change hands/use, there is the opportunity to address that.

## OLD BUSINESS

### **1. Chapter 111 revision discussion**

The Commission was provided with a proposed layout of the process involved in conducting a review of and making recommendations for revisions to Chapter 111 (copy attached).

### Phase 1 – Investigation

The definition of Town properties should include easements, e.g., the Commission has 30 acres on School property.

The first phase includes generation of a list of properties owned by the Town. Once a list is generated a determination will be made of which properties should be included in the Chapter 111 update. The list could be filtered to exclude certain areas such as backlots; in the '70s and early '80s a lot of developments were laid out around Town. Some developers gave small pieces of property to the Town. There are a number that fall in that category; some border Baboosic Brook and other areas that have conservation value; others may be viewed by property owners as simply an extension of their backyard.

Properties not included in the list should be grouped and identified so they are readily identified/available should the decision be made to include them.

When the list of properties is completed, a request would be made of the Town Manager to review.

### Phase 2 – Classification

Commissioner Tenhave noted work would be done to gather information on the Deeds, easements, etc. Some of the properties have restrictions such as no hunting, no motorized vehicles. This phase would categorize the properties into groups that have a similar required need or a desired need to have some form of regulation through Chapter 111. Commissioner Tenhave remarked the ordinance should cover things the Commission believes to be problematic for conservation and ecology reasons; however, he does not believe the Commission should overregulate the properties. The ordinance can always be updated to cover a concern that may not be understood at this time.

It was noted Chapter 111 currently addresses 6 parcels, and it is likely, by the time the review is completed, there could be 40-50.

Councilor Flood spoke of being pleased the Commission is undertaking this project. It came to her attention this year that people are running roughshod over old rights-of-way. She is uncertain to what level the Commission wishes to go to ensure someone doesn't use a right-of-way as their backyard, e.g., fence it. She stated she would be in favor of enforcing these issues. Chair Perry stated agreement; however, noted it is outside of the current scope of work, and has existing legal protections.

Commissioner Tenhave suggested this would be the point in the process where legal review and buy-in from the Council and others should be sought.

### Phase 3 – Proposed Regulation

The ordinance would be drafted incorporating feedback received.

### Phase 4 – Town Council Review and Approval

The goal of this phase is to enact an update of Chapter III; follow the process as defined in the Town Charter to update a chapter in the Town Code.

Commissioner Tenhave questioned the will of the Commission relative to how deep the Commission should go into the process before sending the information off to the Town Manager and Town Council for buy-in.

Chair Perry suggested Commissioners review the information provided, and provide any feedback to Commissioner Tenhave in advance of the December 4<sup>th</sup> meeting. Commissioner Tenhave suggested looking for buy-in from all players that this is the desired direction. If the proposed layout could be finalized at the December 4<sup>th</sup> meeting, it could be forwarded to the Town Manager and Town Council. It may be that the matter could be placed on the Council's agenda in January.

Vice Chair Caron suggested time be set aside for the Commission to review the list of properties.

Commissioner Boisvert stated the desire to have maps available to identify the location of each property. Commissioner Tenhave noted the Nashua Regional Planning Commission (NRPC) recently updated their map of open and conserved space in [Merrimack](#).

Commissioner Tenhave suggested the property categories could be color-coded on a map for presentation at the Public Hearing.

#### Memorial Bench

Vice Chair Caron spoke of being contacted by a contractor, and notified the bench in memory of Mathew Kendall was intended to be installed the following day in the area above Greens Pond. The contractor indicated the equipment would not be fueled or maintained along the way. Four feet is the widest it will get. Vice Chair Caron noted his awareness of at least one downed tree that will have to be removed from the path.

#### Horse Hill Nature Preserve – Summit Trail (Post #14 - #15)

Vice Chair Caron stated the trail construction is complete. The last part of the project is the placement of a bridge to cross the old trail. A bridge is being proposed so that drainage, which will continue for years until the area grows back in, travels under the bridge instead of just backing up. The Sub-committee is waiting to block the old trail before installing the bridge. If the old trail is not blocked and there is a bridge in the middle of the old trail some people will still want to use, and the bridge will get moved.

He questioned signage identifying the old trail as discontinued, and encouraging users to utilize the new trail. Vice Chair Caron commented the discontinued trail signs at Horse Hill have been disregarded for years.

Chair Perry questioned if the bridge could be put in and the trail closed in a single day, and was told that could be done. He suggested that to be the way to move forward. He suggested locating a sign in front of the discontinued trail followed by a good deal of vertical mulch would drive the point home. The Commission was supportive of the recommendation.

The consensus was that signs would be printed, laminated, and attached to stakes that would be placed in the ground. Suggested language included "relocated due to erosion and environmental concerns".

#### Sklar Parcel

Chair Perry noted signage began at the Sklar parcel over the previous weekend. The remainder will be installed, photos taken, and the Police Department notified.

Vice Chair Caron spoke of the volume of trash on the parcel. Some clean-up was done, but the task is great.

Commissioner Boisvert commented once the water level drops on that property next year, if we can get the Town to get a truck down there, we can get the people together for a clean-up day. He noted Anheuser Busch had to be turned down for volunteer help, and they specifically asked about that parcel having read about it. Vice Chair Caron suggested reaching out to other large companies for clean-up day opportunities, and stated his belief all that would be required is a request.

#### Spaulding Foundation

Chair Perry noted he and Mr. Mikolajczuk placed the plaque on the Spaulding Foundation the prior Sunday. They took out the brush mower and other materials, mowed, etc.

### NEW BUSINESS

Chair Perry stated Ethan Belair, Hillsborough County Forester, UNH Cooperative Extension, will be present at the next meeting to discuss a project he is working on. He is gathering aggregate data for the State, e.g., how many acres of forested property are in Merrimack, what is it used for, etc.

### OTHER BUSINESS

- Sub Committee Updates

#### Wildcat Falls

Commissioner Rosati informed the Commission, at the prior week's meeting, the Sub-committee discussed the cleanup from storm damage. On Saturday, several volunteers got together and cleaned up approx. 5 trees that had fallen blocking trails. The graffiti has been painted over, per PWD.

Rebecca Brenton will be moving out of State. She was thanked for her service to the community. Her departure creates an open full-time position on the Sub-committee.

Commissioner Rosati requested Chair Perry contact Lori Barrett, Operations Manager, PWD, and request the gravel be dumped for the picnic tables (flags are down). The picnic table will be moved to the other side of the detention pond.

It was noted the emergency road should be fixed by the PWD. There should also be something incorporated into the roadway to avoid future problems. Were the rutting addressed, the remainder of the issues could be addressed in the spring.

A new memorial bench was set in remembrance of David and Eric Ostman.

Commissioner Tenhave volunteered to install the kiosk map.

#### Grater Woods

Vice Chair Caron stated the Sub-Committee would meet the following evening.

### PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . [November 6, 2017](#)

*The following amendments were offered:*

Page 2, Line 11; insert "as" after "well"  
Page 5, Line 18; replace "doctile" with "ductile"  
Page 7, Line 1; insert "Eileen" before and "and" following "Cabanel"

**MOTION BY VICE CHAIR CARON TO ACCEPT AS AMENDED**  
**MOTION SECONDED BY COMMISSIONER BOISVERT**  
**MOTION CARRIED**  
**7-0-0**

PUBLIC COMMENT – None

COMMISSIONER COMMENTS

Commissioner Tenhave brought forward examples of existing signage.

Vice Chair Caron stated the date of the Regional Open Space Team (ROST) meeting is set for December 7<sup>th</sup>. A few speakers will be present to discuss corridors that enable movement of wildlife, and how towns can work together to ensure their open space flows into another town's open space.

ADJOURNMENT

**MOTION BY COMMISSIONER GLENN TO ADJOURN**

**MOTION SECONDED BY VICE CHAIR CARON**

**MOTION CARRIED**

**7-0-0**

*The November 20, 2017 meeting of the Merrimack Conservation Commission was adjourned at 8:14 p.m.*

Submitted by Dawn MacMillan