



# Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

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

Planning - Zoning - Economic Development - Conservation

## MERRIMACK CONSERVATION COMMISSION

SEPTEMBER 12, 2016

### MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, September 12, 2016 at 6:31 p.m. in the Merrimack Memorial Conference Room.

Chairman Gage Perry presided:

Members of the Commission Present: Matt Caron, Vice Chairman  
Michael Boisvert  
Cynthia Glenn  
Tim Tenhave, Alternate Member  
Gina Rosati, Alternate Member  
Councilor Thomas Mahon

Members of the Commission Absent:

Also in Attendance: Alex Petrenko, Icon Motors, LLC  
Larry Demers, Profile Estates Homeowners' Association

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PUBLIC COMMENT - None

APPOINTMENTS - None

### STATUTORY/ADVISORY BUSINESS

#### **1. Alex Petrenko of Icon Motors, LLC. (applicant) and Moose Mountain Realty Trust (owner)**

Review for recommendation to the Planning Board of a site plan to permit automotive sales and service. The parcel is located at 674 D.W. Highway in the C-2 (General Commercial), Aquifer Conservation and PRD Overlay Districts and Wellhead Protection Area. Tax Map 6E-2, Lot 019.

Commissioner Tenhave remarked it was not clear if their internal drains are a closed system. Apparently there is an oil/gas separator. Chairman Perry noted the original plan, dated June 2006, indicates there is to be an additional note as to the maintenance and handling of the waste oil and storage of the fuel. He did not see that addressed on the plan.

Commissioner Tenhave commented the wetland that is not quite on their property (a corner seems to touch it) is part of a system that drains under the road and eventually ends up towards the Merrimack River.

Alex Petrenko, Icon Motors, spoke of his efforts to start a business, Icon Motors, which would be located at 674 D.W. Highway. The business will be primarily service, but will include sales. The facility was previously utilized as an automotive dealership/service facility and was later taken over by DR Power.

Mr. Petrenko stated he was uncertain of the process and why the site plan was before the Commission. It was explained the matter was before the Commission because part of the property is a wetland and the property is located within the wellhead protection area, which are both of concern to the Commission. The Commission is an advisory board, and as such will review the project and forward any recommendations along to the Planning Board for consideration.

Mr. Petrenko spoke of presenting before the Planning Board, and noted that Board questioned spill kits and whether there are mechanisms such as curbing within the parking lot to prevent oils, etc. from leaking in the area. As a result of that meeting, he began reviewing the property to ensure everything that is needed to address those types of issues is in place. There is 6" curbing all the way across the parking lot. He spoke with the owner and questioned if there was anything done to the property to protect the wetlands, and was told that is one of the reasons the curbing was required.

Chairman Perry noted the site plan indicates there are interior drains and a water/gas separator. Mr. Petrenko stated that to be correct. Commissioner Perry noted the original plan was intended to have an addendum to address handling of waste oil and storage of fuel.

With regard to waste fluids, Mr. Petrenko stated the business has a company that removes the two 55-gallon drums that hold coolant once they become full. There are individual catch cans that go under the lift; one for coolant and one for transmission fluid and oils. With regard to oils, he has a waste oil heater, which heats up the whole dealership. That is where all of the waste oil is going.

With regard to the concern around gas spills, he provided the example of an individual who comes in needing a fuel pump replaced. In that instance, he would utilize a pump (80 gallons) that sucks the gasoline out and allows it to be reused.

Mr. Petrenko stated there is only one drain in the shop area (in the corner where the water hookup is). That is the drain that has the water/fuel separator. When asked about the long-term maintenance of the drain, Mr. Petrenko stated the drain has a triangular foam pad that sits in it, which has to be cleaned out once a year. In response to a request of the Planning Board, he contacted Roto-Rooter (has serviced the facility previously) and Abdee Septic to inspect the drain. He is hopeful one of the companies will be able to conduct a full inspection within a week or so. The inspection report will be provided to the Community Development Department.

Commissioner Tenhave questioned if that runs into the sewer system. Mr. Petrenko stated his belief it does as that is what he was told by the property owner.

Mr. Petrenko stated he spoke with Robert Price, Assistant Planner, Community Development Department, who offered to assist him in locating detailed plans for the building. The building was abandoned for quite some time, and some of the valves for the sprinkler system experienced leaks, etc. over the winter. Mr. Petrenko stated he has been in contact with the Assistant Fire Chief and the Fire Marshall to keep them informed of the work he is doing with Onesource and Hampshire Fire Protection.

When asked, he stated the coolant drums are stored inside of the building; in the corner next to the waste oil. There is a cement barrier surrounding the area. He also stated no materials would be stored outside of the building.

Chairman Perry spoke of the note regarding additional parking spaces, and asked for clarification it is not additional paving, but rather the striping of the existing lot. Mr. Petrenko responded the initial plan was for the addition of parking spaces. It is his understanding a waiver was put in for additional parking, but it was never followed through. The area is already paved and designed for parking. There is no striping at this time. When asked, he stated he would not allow ATVs or other vehicles off pavement. With regard to doing his own landscaping, Mr. Petrenko stated there are small items he can handle himself. He has a landscaping company onsite every two weeks to do the mowing, clean-up, etc. He stated the intent to address the existing landscaping and not to add landscaping.

Chairman Perry spoke of the Note 11, which reads: "All grassed and landscaped areas shall comply with the judicious use of pesticides, herbicides, and fertilizers, which shall only be applied by a licensed applicator." He noted that is a request the Commission also makes as runoff product is potentially pretty dangerous.

Commissioner Tenhave requested the Applicant not utilize phosphates because the water system next to the property, under the road, heads towards the Merrimack River, and phosphates can create algae blooms, etc. Mr. Petrenko commented he does not believe they would be using fertilizer or similar products, as the problem they are having is with too much growth.

Mr. Petrenko stated he would be doing his own plowing, at least until business picks up. He has two plow trucks of his own, and has been plowing that location for some time. The owner of the property is the same owner of the dealership he has been working at for the past two years. Commissioner Tenhave spoke of Note #9, which states "Salt and/or chemical de-icers shall not be used to treat parking areas and access drives during inclement weather." Mr. Petrenko stated there is no need for de-icing materials given the layout.

Commissioner Tenhave stated the Commission recommends that 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. The University of New Hampshire Cooperative Extension teaches applicators how to apply sand, how to plow, etc. in order to limit or not have to utilize de-icing materials. If that process is followed and an individual were certified, that would limit the liability should someone slip and fall on the property resulting in injury.

Commissioner Tenhave noted the wetlands were delineated in 2004, and the Commission typically likes to see that that has been done in the last 10 years. However, outside of the parking area, there is only one corner of the property that is wet. Chairman Perry stated he has visited the site, and found it is not very wet.

***The recommendation to the Planning Board will include a request to be provided with a copy of the maintenance plan for the gas/water separator, the suggestion that the Applicant look into Green SnowPro certification and, should fertilizer be necessary, that the Applicant utilize low-phosphate, slow release nitrogen fertilizer.***

Mr. Petrenko remarked the Planning Board questioned if he has intent to do any sort of detail or reconditioning in the future. At the time, he stated he did not. He has considered that further, and questioned if there would be anything he should do in terms of cautions, etc. Vice Chairman Caron remarked it depends on whether the drain goes into the sewer or into a leaching field.

Mr. Petrenko stated his impression if the waste water drains into the sewer it would be okay, but if it drains into a leaching field he would have to look for another solution. Commissioner Tenhave stated there would be concern with the type of chemicals, cleaning agents, etc. that would be used as well as what would be washed off the vehicles. A few examples of the type of setup other companies in town utilize when cleaning vehicles were provided. Chairman Perry stated if Mr. Petrenko finds out that runoff would not go to the sewer, he could contact the Commission and/or the Planning Board for information on what would be needed to perform that activity onsite.

Vice Chairman Caron suggested the Commission postpone a final recommendation until understanding if additional changes to the site would be required to allow for that activity. Commissioner Tenhave commented if they ended up going to an internal tank as long as that is pumped out and dealt with properly that would suffice.

***The recommendation to the Planning Board will include the desire of the Commission to ensure, if the Application intends to perform vehicle washing onsite that the waste drains to the sewer and not a local holding basin.***

#### OLD BUSINESS

Commissioner Tenhave introduced Mr. Larry Demers, one of the homeowners of the Profile Estates Homeowners' Association. These are the folks that have been in discussion with the Commission around 7 acres of land the Commission is interested in acquiring. Commissioner Tenhave informed the Commission a meeting of the Homeowners' Association would take place the following evening, and he would be present to discuss the Commission's position.

Mr. Demers stated language in the original covenants, requires 2/3 of the lot owners to vote in favor. It is believed more than the required 2/3 is in favor. No one has stated opposition. The difficulty is in getting enough land owners to be present for the voting/meeting.

Mr. Demers stated he recently communicated with the land owners to provide information on financials; the cost of continuing to hold the property as an association versus gifting the land to the Town, which would be a one-time minimal cost. He stated his belief the necessary votes would be cast at the meeting scheduled for the following evening. He noted the Association was just formed in August. The covenants dictate a 90-day waiting period before any action could occur. The votes can be gathered for what they want to do, but it cannot be acted on for 90 days.

Commissioner Tenhave stated Eileen Cabanel, Town Manager, will be signing the purchase agreement (donation), which will include restrictions similar to those that have been placed on other conservation properties. The intent would be to preserve the land for conservation recreation purposes, very limited forestry except for conservation needs, no buildings, etc.

Commissioner Tenhave noted the parcel is a good buffer to parcels already owned, to Baboosic Brook, and the potential MVD well.

Commissioner Tenhave stated the Commission will conduct an official Public Hearing to provide the opportunity for the public to comment on the matter. The matter will then go before the Town Council for approval.

#### NEW BUSINESS

Chairman Perry informed the Commission of a discussion he had with Lori Barrett, Operations Manager, Public Works Department (PWD), during which he was told the department is willing to look into supporting the Commission in some of the mowing and other maintenance activities the Commission does on a non-regular basis, e.g., once in the spring/once in the fall. They would like to hear about the areas the Commission is trying to address. As an example he spoke of the Gateway Trail through Grater Woods as an area the Commission regularly has to have mowed. He commented the Commission spent quite a bit of funds a few years ago having the trail edges brought back out to the right width. The area is growing quite well, and needs to be mowed down again.

Chairman Perry requested Commissioners make him aware of any other locations they feel would fall into the same type of category. Commissioner Tenhave remarked in Wildcat Falls there is a sewer line that goes from the parking lot all the way to the river, which is maintained regularly. However, there is an offshoot of that trail, which heads all the way to the sandpit by the falls themselves. When a previous Commission put that in it was made wide enough for an emergency vehicle to travel down. That area is starting to grow in, which could prevent an emergency vehicle from getting to the falls.

Commissioner Tenhave commented this time of year the department is preparing to enter into budget season. If there is an item that has a budgetary impact that could be planned for, and the Commission could ask Councilor Mahon to support that through the budget process.

Chairman Perry questioned why mowing is occurring around the new parking lot in the Horse Hill Nature Preserve (HHNP). After a brief discussion, the Commission agreed there is no need for that type of maintenance to continue there.

#### OTHER BUSINESS

- Update on Jeff Littleton's work at our Continental Drive property

Commissioner Tenhave stated Mr. Littleton has sent him two updates since the Commission's last meeting. The one dated early August indicated he has completed the bird surveys, which resulted in no rare findings, but there were certainly a few species that are of regional conservation concern (mostly wetland birds). They did do some turtle trapping to identify the type of turtles that are in that area; painted and snapping. They had begun plant surveys, and because there is a potential for a rare fish species, he intends to do some fish trapping. The fish species was noted in that area in the past, but many years ago. If it was to be found it would be the first time it has been seen in a long time. With the exception of

one, all of the transmitters have been removed from the turtles around the HHNP. Mr. Littleton indicated his expectation the draft report will be available later this month.

- Nashua Regional Planning Commission (NRPC) Trail Mapping update

Vice Chairman Caron stated three of the four properties have been completed. Grater Woods is the only one remaining to be mapped. The gentleman he is mapping with has informed him of other commitments he has, which will likely postpone mapping of the last parcel until the October timeframe. In their mapping of the trails, they have marked not only all of the trails, but also the posts, benches, bridges, gates, kiosks, etc.

Chairman Perry questioned how the trails on the new property would be addressed. Vice Chairman Caron stated, at a previous meeting, the Commission reached a decision on mapping all of the existing trails at Grater Woods. Chairman Perry remarked there are other trails out there. Vice Chairman Caron commented it is difficult because a lot of the trails that are out there go on and off the property a number of times. If the desire of the Commission is to capture all of that it could be done, but would require another day of data gathering. Commissioner Perry commented a lot of the trails are in good condition. They exist and people utilize them. He questioned if the desire would be to capture the data, but not put it on the official trail map. Commissioner Tenhave commented it might be interesting to find out which are on Commission property and which are not.

Vice Chairman Caron commented they captured a few of the discontinued trails at the HHNP, and the representative from the NRPC stated we can have different layers so that some of the layers identify everything that is on the ground, and then you start pulling in on removing the discontinued, the re-routed, and then you have what people should be using and what we want visible to the public. He believes if all of the information is captured, the decision could be reached to turn off certain layers.

Commissioner Tenhave commented if they are willing to capture it, there may have to be an adjustment in the cost of the project. He remarked if Vice Chairman Caron and the representative from the NRPC are willing to do it and the Commission is willing to support it, it would be good data to have. The public safety aspect of having the data was discussed, e.g., users of the trails becoming lost, etc.

***The consensus of the Commission was to capture all of the data.***

- Update on no-cut buffer area along HHNP and Wasserman Heights

Commissioner Tenhave indicated he had no update to provide. The matter is one that falls under the responsibility of the Town.

Vice Chairman Caron noted no activity has occurred on the Quarry Trail. Commissioner Tenhave will follow-up.

- Update on encroachment into Wasserman Conversation Area

Commissioner Tenhave spoke of an email exchange he had with members of the Community Development Department. It is his understanding the property owner has not acted on the plan provided to him by the engineering firm he hired. The property owner will be given a deadline of October 1<sup>st</sup> to address the issue. If there is no action by that time they will have to proceed with their normal process. The work consists of removal of debris, the correction of the height of land; material that was brought onto Commission property that needs to be removed, and the planting of a few trees.

- Update on Anheuser Busch Volunteer Opportunity

Chairman Perry commented he has not been very proactive in trying to track these people down. He has sent a few emails, and has not received a response. Commissioner Boisvert volunteered to take on the task as he has the ability to reach out during normal business hours, etc.

- Website update

Commissioner Tenhave spoke of having provided members with the new design for the website. He has not given the contractor, Wendy Wetherbee, Wetherbee Creative, the go ahead as he wished to provide an opportunity for Commissioners to weigh in on the design. He questioned the will of the Commission.

***The Commission stated agreement with moving forward with the proposed redesign.***

- Benches at Wildcat Falls

Commissioner Tenhave remarked, at the last meeting, Liz Petrides informed the Commission of the desire of the Michael LoVerme Memorial Foundation for this year's project to be the placement of benches at Wildcat Falls. He questioned if the Commission was acceptable to providing the go ahead for placement of two benches.

***The consensus of the Commission was to approve the placement of the benches.***

Commissioner Tenhave noted the Sub-Committee is in the process of determining a location for a memorial bench in remembrance of Michael LoVerme.

- Tree Farm Status

Commissioner Tenhave spoke of an email received from Mike Powers, Bay State Forestry, notifying the Commission the tree farm status requires updating. Chairman Perry remarked it is no longer a single form covering all sites; each one has to be done separately. He has requested additional information from Mr. Powers.

- Parks and Recreation Fall Brochure

The Parks and Recreation Department has put out its fall brochure, which lists activities, etc. Commissioner Tenhave apologized for not forwarding an email he received from Matt Casparius, Director, Parks and Recreation Department, requesting input for the brochure. If the Commission wishes to conduct an additional activity, the department will accommodate that.

Commissioner Tenhave commented the Commission has discontinued the road in Grater Woods and has discussed the D2 and D3 trails, but there is the need to begin the process of moving forward with what will be done to that road to put the full emergency access in. He questioned if the sub-committee was looking to provide a recommendation or if the Commission should consider contracting Bay State Forestry or another to do the initial engineering work for it, etc.

Commissioner Tenhave spoke of grant opportunities that might be available early next year.

Chairman Perry responded if considering building a road, a professional company should be contracted to review that. He suggested it may be something that could be handled, initially, through the sub-committee.

Commissioner Tenhave commented at some point the Commission will either have to put out an RFQ for that engineering work or look to the Town for that. He stated his belief the Aquatic Resource Mitigation (ARM) Fund grant requests have to be done for April. It would be good to have some engineering done by that point.

Chairman Perry stated he could start with Mr. Powers and Dawn Tuomala, Deputy Director/Town Engineer, Public Works Department. Vice Chairman Caron noted Mr. Powers is very familiar with the area, and during one of its walks, the sub-committee reviewed an area Mr. Powers indicated would be a potential location for the type of roadway being discussed.

Chairman Perry stated he would first reach out to Deputy Director Tuomala to see if the PWD has the bandwidth to support such a project. From there Mr. Powers could be contacted.

- Weddings

Commissioner Tenhave spoke of having received communications from two couples who wish to marry on conservation property; one at Grater Woods at the end of the month and another next year at the HHNP. The couple that will utilize HHNP have been told they could have the parking lot for the day. They will be bringing their guests in in a bus.

- Downed Limbs on Brookside Drive

Chairman Perry questioned if there was an update regarding the downed limbs on Brookside Drive. Commissioner Tenhave stated he received the update earlier in the day, but has not yet had the opportunity to review it. He will forward the email to the Commission. In summary, it indicates the trees that need to be cut are potentially not on Commission property. There is debris blocking the easement area. Where the storm water lets out there is an easement area not on the property line. Some of the material is in the easement area, but not on Commission property. There is some material on Commission property. The PWD will consider putting up a sign.

### PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. . . . . August 1, 2016

*The following amendments were offered:*

Page 1, Line 31; delete "Sub-Committee"  
Page 3, Line 33; replace "Drive" with "Boulevard"  
Page 4, Line 20; replace "wondering" with "wandering"  
Page 5, Line 36; correct spelling of "Tenhave"  
Page 5, Line 38; replace "of" with "or"  
Page 5, Line 40; replace "commissioner" with "Chairman"  
Page 6, Line 3; replace "Commissioner" with "Vice Chairman"

**MOTION BY COMMISSIONER GLENN TO ACCEPT AS AMENDED  
MOTION SECONDED BY COMMISSIONER BOISVERT  
MOTION CARRIED**

**6-0-1**

*Councilor Mahon Abstained*

PUBLIC COMMENT - None

### COMMISSIONER COMMENTS

Commissioner Glenn remarked the family of Emma Cook was before the Commission at its June 6<sup>th</sup> meeting with a request to place a memorial bench in the HHNP in memory of Emma. The bench was placed a few weeks ago, and is located near the entrance. It was noted Lori Barrett, PWD and Newt Coryell, Chair, HHNP Sub-Committee, were both at the site to ensure the location chosen would not be affected by plowing or other activities. A gentleman from Hepworth Memorials installed the bench.

The HHNP Sub-Committee will meet on September 19th in the Memorial Conference Room at 7:00 p.m.

The Grater Woods Sub-Committee will meet on September 20th.

Commissioner Tenhave stated the Wildcat Falls Sub-Committee would meet the following evening. The agenda was posted.

Commissioner Rosati stated she would have information to share regarding possible grant opportunities at the next meeting.

Councilor Mahon spoke of having attended a workshop on pipeline safety issues that was put on by the NRPC. The NRPC had put together some materials on potential site review issues, and an overlay for a pipeline (existing pipelines). The materials he received at the meeting were provided to the Town Manager. He stated his belief the potential for conservation involvement in that is likely relatively high.

ADJOURNMENT

**MOTION BY VICE CHAIRMAN CARON TO ADJOURN**  
**MOTION SECONDED BY COMMISSIONER GLENN**  
**MOTION CARRIED**  
**7-0-0**

*The September 12, 2016 special meeting of the Merrimack Conservation Commission was adjourned at 8:00 p.m.*