



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK CONSERVATION COMMISSION

SEPTEMBER 17, 2018

MEETING MINUTES

A regular meeting of the Merrimack Conservation Commission was held on Monday, September 17, 2018 at 6:33 p.m. in the Merrimack Memorial Conference Room.

Vice Chair Matt Caron presided:

Members of the Commission Present: Michael Boisvert
Cynthia Glenn
Steven Perkins
Gina Rosati
Tim Tenhave, Alternate Member
Councilor Peter Albert

Members of the Commission Absent: Gage Perry, Chair

Also in Attendance: Ronnie Ghannem, Owner, Patriot's Car Wash

PUBLIC COMMENT - None

PUBLIC HEARINGS - None

APPOINTMENTS - None

STATUTORY/ADVISORY BUSINESS

- 1. Patriot's Car Wash (applicant/owner)** - Review for recommendation to the Planning Board for a waiver of full site plan review to permit an automobile service/repair station addition. The parcel is located at 376 Daniel Webster Highway in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 002.

Ronnie Ghannem, Owner, Patriot's Car Wash, explained he was only recently informed of the need to come before the Commission and was of the belief the expectation would be that he provides an explanation of the project and answer any questions. He stated the proposal to be for an addition of three garages (3) and a total of five (5) bays to the existing structure at 376 Daniel Webster Highway.

The existing structure is utilized as a car wash and detail center. The intent, if approved, is for one of the bays to be used as a touchless car wash (self-service) and the others as a repair shop. The lot is of

sufficient size to accommodate the addition, e.g., significant # of parking spots, within required setbacks.

Vice Chair Caron explained the Commission's charge is to protect the waterways in Town. It is because of the proposed uses that the proposal is required to come before the Commission. The Commission wishes to understand the protocols and measures, e.g., floor drains, that will be put in place given the nature of the materials (spent oil, transmission fluid) that would result from the proposed use.

Mr. Ghannem stated the only change to the existing use is the addition of the four-bay repair shop. The bay addition (touchless wash) would be connected to the existing drainage system, which utilizes an oil/water separator, is properly maintained and has a 250 cars/day capacity (currently busy day is 50). The addition is expected to increase current capacity by 10 cars/day. It is hoped utilization will increase by the 24/7 operation period.

The repair shop would not have activities such as oil changes. It is intended to be a body shop. At some point down the road, the intent would be to have the ability to paint vehicles. Based on information provided by the New Hampshire Department of Environmental Services (NHDES), there is not much in the way of regulations if utilizing less than 500 gallons paint/year. That is looked at similarly to an individual painting his/her home. If a large amount of painting were to occur it would require a paint booth, filtration system, etc.

Under the threshold of 500 gallons/year, there are requirements relative to exhaust fans. The property will be inspected to ensure the fans, etc. fall within NHDES guidelines. If reaching the point of exceeding that threshold, all requirements would be met.

Commissioner Tenhave questioned what would occur with roof drains and was told the existing parking lot structure is currently paved. There will be no addition to the impervious surface; therefore, no additional drainage is required. The building roof drains will be directed to the three drainage sites through use of gutters (front and side of flat roof building).

When asked how materials utilized in the body shop would be stored, Mr. Ghannem responded there would not be much in the way of material storage. Most materials can be ordered and brought onsite as needed/daily to avoid the need for storage. If painting occurs on site, there are fire department and State regulations relative to having a fire-proof cabinet for storage.

They do currently have a spill kit; however, he cannot recall having ever had the need to use it. All chemicals utilized with the car wash have been inspected by the Town. They are all water-soluble and environmentally friendly.

Councilor Albert questioned how dust debris is addressed. Mr. Ghannem commented dust only occurs if a compound is used and sanded. At the end of the day, users are required to clean their bay (put in trash). Materials used in the compounds are environmentally friendly.

Commissioner Tenhave questioned if existing floor drains go into the Town's sewer system and was told they go first into an oil/water separator and then into the sewer drainage system.

With regard to landscaping, Mr. Ghannem stated they would be adding a few trees and evergreens off to the front for aesthetics. Commissioner Tenhave suggested, if fertilizer is needed, that it be no

phosphate. He spoke of the problems that have occurred in Horseshoe Pond and noted the short distance to the pond. Commissioner Rosati cautioned to be mindful of utilizing non-invasive plantings.

NEW BUSINESS

1. 48th Annual NHACC Meeting & Conference

The 48th Annual Meeting Conference for the New Hampshire Association of Conservation Commissions will be held on Saturday, November 3rd at Pembroke Academy.

Commissioners were asked to determine their availability to attend in time for the October meeting. It was requested the item be placed on the next agenda for follow-up discussion.

OLD BUSINESS

1. NH Tree Farm Program

A letter was received from Rita Carroll, NH Tree Farm Administrator, indicating Merrimack's Tree Farms are up for inspection. Commissioner Tenhave noted earlier in the year (12-4-17) the Commission discussed tree farms and whether or not it wished to maintain the tree farm status. He believes the consensus of the Commission was to forego that status mainly because they require active management plans, etc. There was confusion regarding which properties were part of the tree farm.

The premise of the tree farm is to show that you are actively managing your forest with the intent of tree farming. He does not believe the Commission is managing any of its properties with the active intent of producing forestry projects. Forestry is done on some of the properties (not for some time), but mostly because of the desire to improve habitat as well as to generate revenue to offset the cost of certain projects.

Commissioner Tenhave shared his opinion the Commission does not need to be investing the time and energy to keep the properties in the tree farm project; particularly given the multitude of other activities being managed.

Commissioner Tenhave commented there are active tree farms in Merrimack. The Merrimack Village District manages a number of their properties as tree farms and follow the tree farm guidelines, have Foresters help with management plans, but they actually create forestry projects, e.g., do logging, selective cutting, tree cutting.

Councilor Albert questioned which properties have been forested. Commissioner Tenhave responded, as far as properties forested as a designated tree farm, he does not believe there are any. There was one property designated a Town forest, which is one of the many parcels that make up Grater Woods; however, he is uncertain that part was ever forested.

The Commission forested Wildcat Falls (fairly recently), Mitchell Woods had a selective cut and was the last Commission property that was signed as a Tree Farm. Commissioner Tenhave remarked Mitchell Woods is joined by Watkins Forest, and it simply made sense, given they are joined, to also designate Watkins Forest as a Tree Farm at the time it was done for Mitchell Woods. The access is

through Commission property. He commented that one is really the only one that has been done for a forestry activity.

Vice Chair Caron stated his belief the item appeared on the agenda as a result of having received the communication. He believes the consensus to be the Commission is to no longer participate in the Tree Farm Program, which will be relayed.

Commissioner Tenhave commented were someone interested in championing this effort by getting the forest plans up to date and manage the interactions he would not object. There is value in having the plans. Vice Chair Caron commented the previous Chair of the Commission had his own tree farm and knew a great deal about the process.

OTHER BUSINESS

Vice Chair Caron informed the Commission Chair Perry is wrapping up the agreement with GZA GeoEnvironmental, Inc. for the identification of the top ten properties that best fit the criteria for application to the Aquatic Resource Management fund.

Also being finalized is the agreement with Moosewood Ecological for the ecological inventory of Grater Woods.

- Sub-committee Updates

Grater Woods

The sub-committee will meet on September 25th.

- Scout Project Updates

Vice Chair Caron informed the Commission the observation deck (at the start of the Link Trail) constructed by Life Scout Jack Elliott, has been completed.

Commissioner Rosati informed the Commission Life Scout Brigham Parker is expected to begin construction on the Outdoor Classroom at Grater Woods shortly. He will be holding a pancake breakfast fundraiser on September 22nd from 8:00 - 10:30 a.m. at the Church of Latter Day Saints located at 110 Concord Street, Nashua.

Councilor Albert suggested posting a photo of the observation deck on the Commission's website and putting an identifier on one of the maps indicating its location. Vice Chair Caron stated all other overlooks are marked on the Grater Woods map. It would be appropriate to add this one as part of the next update of the maps.

Vice Chair Caron questioned how the Commission wished to proceed in terms of a map update. The frequency of updates will be dependent upon the size/amount of changes over any given period of time. The large kiosk map could be updated on a more infrequent schedule. Commissioner Rosati suggested a "What's New" sheet that could be posted at the kiosks. Vice Chair Caron stated that would be appropriate in Grater Woods given its proximity to the school and available space in the kiosk at the school.

Commissioner Tenhave noted the website does have a page to highlight amenities. Work continues with the website developer to create a “projects” page. Recent information should be added to that page. There is the intent to create a page to list needed projects. He stated, if provided a photo, he could ensure the information is posted to the website giving credit to the Scout and his troop and raise awareness of the new amenity.

Vice Chair Caron informed the Commission another scout project is the construction of a kiosk on Parks and Recreation property (Wasserman Park) at the very beginning of the Quarry Trail (in the resident lot). The kiosk will be located about 150’ from the Commission property. That kiosk will be the first place the Commission will be able to display its map of Wasserman Park. Three fundraising bake sales are scheduled at the Horse Hill Nature Preserve (HHNP) parking lot; Sunday, September 23rd and 30th (10:00 a.m. - 1:00 p.m.) and during the Halloween Party at Wasserman Park. The scout has requested approval to display advertisements for the bake sales in the HHNP kiosks.

Commissioner Tenhave commented he could post to the kiosks (outside). He suggested he post it with a notice indicating it was reviewed with the Conservation Commission and make the Sub-committee aware so that the sign is not removed.

Vice Chair Caron noted the signs for the Sklar property have been completed, and thanked River Network for their donation. He has not yet had the opportunity to move forward with the rental of the post hole digger (approved at the 8-20-18 mtg.).

Commissioner Boisvert commented he could reach out to Mark Twardoski to see if he could assist.

Councilor Albert spoke of the Commission’s desire to have large boulders placed in certain areas to limit access. He forwarded an email on the subject to the Town Manager. The Director of the Public Works Department has indicated a willingness to assist.

Commissioner Tenhave stated the rocks are part of an ongoing project. He has not yet been able to work out the final details regarding whether the Commission will be given all of the rocks or if the project will utilize some for landscaping features. The rocks are being stored on a parcel that will be donated to the Commission. The rocks will not be available until their work is finished. He questioned the will of the Commission relative to accepting the rocks.

The Commission unanimously supported both accepting the rocks and looking to acquire them as soon as possible.

Commissioner Tenhave stated the rocks are currently located on common land for the development he resides in off of Amherst Road just down from the Amherst Road parking lot for the HHNP. There is currently equipment related to the project onsite, which will remain a while longer. The parcel is part of 20 acres that goes all the way around the development and is intended to be donated to the Town as part of an agreement with the ZBA, Planning Board, and the Commission dating back 3± years. The project was considered a cluster development, and cluster developments have a requirement around open space/common land. Instead of turning the common land over to the homeowners, the decision was to turn it over to the Town because as the Commission owns 80 acres that abut the 20 acres, and the way the developer laid it out, it gives the Commission another 500-600’ of frontage along Souhegan River. For the developer it meant that their houses didn’t go down to the river, but they also didn’t have to deal with the regulations regarding the river.

They had created an access into it and had scraped all of the loam off of it and pushed it into a large pile. He had been asked how the Commission would like the staging area (where the rocks are located) left.

Commissioner Tenhave noted the Commission already has the HHNP parking lot 100 yards down the street, which has been expanded to accommodate this, and a parking lot is planned for the combined 100 acres further down the road.

He had indicated his belief the Commission would like to have the dirt/loam spread across again and then a wild conservation seed placed on it. The Commission will eventually have a trail access that allows access to the main property but would not have people parking all over the place. That is what he communicated understanding the need for the Commission to weigh in. He also requested the rocks be left where they are so that they could be used as needed.

The unanimous consensus was to support that approach.

Commissioner Tenhave stressed he resides in the neighborhood and he wished to ensure his desires as a neighbor/abutter to the property did not guide the approach. When the project was before the Commission, he recused himself from the discussion because he is related to one of the developers. The consensus expressed by Commissioner Rosati and supported by the Commission is the approach would be a win/win.

Commissioner Tenhave stated the turnover of the lot will take some time, e.g., has to go through the legal process, Town Council has to approve acceptance. It could be possible to get the rocks sooner.

Vice Chair Caron commented on having been in the area recently and expressed an interest in serving on the sub-committee, when formed. Commissioner Tenhave noted some of the neighbors have expressed an interest. When the 80 acres was deeded it was identified for passive recreation. How the 20 acres will be identified will be part of the negotiations. Commissioner Boisvert noted the proximity to the river, which limits the activity. Commissioner Tenhave indicated he would not participate in the negotiation process as he is an abutter. He encouraged the Commission to look to have the 20 acre parcel mirror the restrictions of the 80 acre parcel, which would make managing the restrictions easier.

Town Council Update

Councilor Albert questioned if the Wildcat Falls fire road has been regraded. Commissioner Rosati stated her belief that was done.

Councilor Albert spoke of an email he sent informing of the joint meeting between the Town Council and School Board and asking if the Commission has any issues for him to bring up at that meeting. Commissioner Tenhave spoke of the trail coming out of Watson Park noting the planning for the trail was done by the Town Center Committee.

Commissioner Tenhave commented, from the perspective of the Commission, the desire would be to see that trail completed because that provides overflow parking for Wildcat Falls if in fact it is connected all the way to Watson Park. He commented the trouble with the plan is there is a portion of State owned land between the F.E. Everett Turnpike and Wildcat Falls (close to 80 acres). There is an email agreement that indicates when they finish the widening of the turnpike they will speak with the Commission about donation or land management of that land. They wanted to reserve it until the

widening is completed. The widening will require wetland mitigation, and potentially land donation, etc. They could utilize that land as part of their mitigation process following their own State rules. That may be how we acquire it. Until that occurs, the Commission has not been doing a lot of maintenance of the trails on the State land that allows the access.

The New Hampshire Department of Transportation (NHDOT) will hold a Public Hearing on Thursday, September 25th beginning at 7:00 p.m. in the Matthew Thornton Room regarding proposed improvements to NH 101A from Craftsman Lane to Continental Boulevard and on Craftsman Lane at Boston Post Road Intersection. Councilor Albert suggested he could bring the subject up at that time. Commissioner Tenhave will forward the communication to the Commission.

Councilor Albert questioned other issues/areas the Commission would like discussed at either of the meetings.

Vice Chair Caron suggested mentioning the outdoor classroom. Shannon Barnes, Chair, School Board, is on the Grater Woods Sub-Committee, and has been involved. He spoke of the Transportation Alternative Program (TAP) grant the Town was awarded for the completion of the trail from Watson Park under the sluiceway and over what used to be the dam and connecting to the trail the Commission maintains. It is proposed as an accessible trail, which means it is going to be very flat, wide, and hard packed. As an accessible trail, it is intended for all uses. Because it is connecting into the trail that goes behind the high school, they talked about improving what is behind the high school up to the Merrill’s Marauders Bridge, which becomes completely inaccessible after that (not wheelchair accessible). He stated concern they will run out of funds very quickly if making this one little section accessible (4’ wide, paved).

Councilor Albert commented the plan he saw goes past the dam and over to the wooded area as you start to go up behind the high school. Vice Chair Caron commented the power lines is where he believes it ends. Councilor Albert stated the intent is that the last section of that trail be completed through the use of grants or other means. It would make sense to connect it all together. Vice Chair Caron commented to have 1/3 of a mile wheelchair accessible and then everything else not, he believes the funds could be better spent to just make a trail for that 1/3 of a mile.

Commissioner Tenhave commented there are great picnic areas and view points along the river. He believes there to be some value in having that be accessible for a portion, at least for that early flat section before it starts to go up. Vice Chair Caron stated agreement commenting he is uncertain they will be able to do it with the available funds. Having seen this happen before, he wished to voice that concern. Councilor Albert stated he would bring that up.

PRESENTATION OF THE MINUTES

Merrimack Conservation Commission. August 20, 2018

The following amendments were offered:

- Page 5, Line 21; capitalize “Scout”
- Page 5, Line 22; replace “Commissioner” with “Commission”
- Page 5, Line 23; capitalize “Scout”
- Page 5, Line 36; remove the “,” following “Life Scout”
- Page 5, Line 45; remove the apostrophe in “Marauders”

Page 5, Line 48; insert “district” following “school”
Page 6, Line 16; capitalize “School District”

**MOTION BY COMMISSIONER ROSATI TO ACCEPT, AS AMENDED
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED**

6-0-1

Commissioner Perkins Abstained

PUBLIC COMMENT - None

COMMISSIONER COMMENTS

Commissioner Tenhave welcomed Steve Perkins to the Commission.

Commissioner Tenhave requested the Commission formally thank Life Scout Jack Elliott for the work he did with the observation deck.

Commissioner Tenhave spoke of preparing to attend his second meeting of the Nashua Regional Planning Commission, as a representative of the Town. Councilor Boyd is also a member. He commented if any Commissioner wished for him to relay any information, he would be happy to.

ADJOURNMENT

**MOTION BY COMMISSIONER PERKINS TO ADJOURN
MOTION SECONDED BY COMMISSIONER GLENN
MOTION CARRIED**

7-0-0

The September 17, 2018 meeting of the Merrimack Conservation Commission was adjourned at 7:57 p.m.

Submitted by Dawn MacMillan