



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, APRIL 18, 2017

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, and Alternates Nelson Disco and Paul McLaughlin.

Planning Board members absent: Lynn Christensen, Desirea Falt and Vincent Russo.

Staff present: Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m. and designated Nelson Disco and Paul McLaughlin to sit for Vincent Russo and Desirea Falt, respectively.

2. Planning & Zoning Administrator's Report

The Board voted 6-0-0 to determine that the Brett H. Vaughn lot line adjustment and subdivision plan is not of regional impact, on a motion made by Tom Koenig and seconded by Alastair Millns.

Alastair Millns noted that, several years ago, a truck was illegally parked in the yard of 11 Joppa Road advertising Stan's Paving. Now there is an advertising sign outside the fence facing Baboosic Lake Road, although the business is not at the home. Staff will investigate.

3. John J. Flatley Company (applicant/owner) - Compliance Hearing as required by the conditions of approval for the site plan granted conditional final approval on December 15, 2015, to construct 240 multi-family residences, clubhouse, and associated parking and drainage improvements, per the requirements of the Flatley mixed-use Conditional Use Permit. The parcels are located at #645, 673, 685, 703 and 707 D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05 & 003-06.

Jillian Harris stated that, while the applicant believes that the majority of conditions are addressed, he last submitted a revised plan set on September 4, 2015. Compliance with conditions from the December 15, 2015, approval pertaining to plan revisions cannot be confirmed at this time.

Kevin Walker, P.E., John J. Flatley Company, said he has a full set of plans, a development agreement, a sewer permit, a Merrimack Village District (MVD) agreement, and an Alteration of Terrain Permit. He awaits only an NH DOT (Department of Transportation) permit. The issue between MVD and DOT about the

waterline and easement has been resolved. A DOT Permit should be issued in approximately two weeks. No easements are planned unless they are required in the future.

Nelson Disco and Tom Koenig wanted more time to study the updated plan that had just been distributed and to have the applicant return once more to the Planning Board for approval. Chairman Best said the Planning Board had wanted to see the plans, which was the reason for requiring a compliance hearing.

A motion that Board members have three days to comment and to allow the Community Development Department to review final approval failed, 3-3-0, on a motion made by Alastair Millns and seconded by Michael Redding. Tom Koenig, Nelson Disco and Paul McLaughlin voted in the negative.

Public comment

Ann Johnson, 2 Lantern Lane, asked about buffer changes, impact on Lantern Lane privacy and on Route 3 traffic. Chairman Best explained that there has been no change in the building location or buffer since the project was conditionally approved on December 1, 2015. Kevin Walker said buildings would be placed as far away as possible: 100'-125' from the property line and 148' from the closest building. Chairman Best said the Planning Board had already considered the traffic study when it granted conditional approval. A traffic light is not part of this approval. Rather than solve the problem, it would cause traffic to back up even more. The applicant will add a turning lane. Adding 25 more cars at peak hours may not be very noticeable. Luxury apartments increase property and home values.

Kevin Walker read the list of conditions and stated that he had met all of them. Changes are clarification of the three phases, elimination of future parking at the Homestead Restaurant and railroad access for the Fire Department and extra hydrants. Jillian Harris stated that staff would review the updated plan.

Nelson Disco wanted a walkway to connect the site to the rest of the community to the south, noting that is why the connection to Homestead parking was originally suggested. Chairman Best stated that the Planning Board has no jurisdiction to tell an applicant to make a deal with a neighbor. Alastair Millns suggested deleting Condition 7, since there is no plan to build at the Homestead Restaurant. ("The applicant shall provide a note on the plans that indicate "future parking" for the Homestead Restaurant is to be approved as a separate project, and is shown for illustrative purposes only on this site plan.") Kevin Walker agreed that means that he would have to return to the Planning Board if he ever wanted such parking.

The Board voted 5-1-0 to grant relief from Precedent Condition #7 and to continue this item to May 2, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Michael Redding and seconded by Alastair Millns. Nelson Disco voted in the negative.

- 4. Brett W. Vaughn (applicant/owner)** — Review for acceptance and consideration of Final Approval for a Lot Line Adjustment between two existing lots and Subdivision

plan resulting in a total of two new residential lots. The parcels are located at 135 and 123 Wilson Hill Road in the R-1 (Residential District). Tax Maps 4A, Lots 010, 023.

Chris Guida, Certified Wetland and Soil Scientist, Fieldstone Land Consultants, PLLC, said the existing barn and home would be razed. The properties are currently and will be serviced by private wells and septic systems. A common driveway with single access is proposed. Test pits that were dug look good for septic systems and will be witnessed by the Building Department. Chris Guida explained what would be on the three new lots.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 6-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Michael Redding.

Chris Guida said ledge on the driveway is 65"-70" down. He would use a hydraulic hammer and/or an excavator. There would probably be no blasting. Most of the rock is friable. He agrees to all staff conditions. One of the two catch basins is not functional. He intends to regrade and make a rip rap swale that would cross the road and to cut back the slope by the wall to create a sight line. The grade would not change. Jillian Harris noted PWD Conditions 7.g, 7.h. and 7.i. concerning the catch basin and drainage.

Chris Guida has a water drainage easement. Most of the stone wall would be removed as a safety improvement because it is not in good shape.

Brett W. Vaughn, 123 Wilson Hill Road, said several opinions hold that the 1750 house cannot be saved.

As to runoff from the driveways, Chris Guida said that grades would meet all requirements, there would be rip rap in the ditch swales, the soils are extremely well drained, and there would be ditch lines along the driveway. Both driveways would be approximately 300' long and would meet the slope requirement.

Brett Vaughn stated that electrical would be underground.

The applicant seeks a waiver from the sidewalk requirement because this is a minor subdivision with no adjacent sidewalks anywhere near the site, the surrounding area is substantially developed, so there is no likelihood of any future interconnect, and the roadway configuration and drainage along this section of Wilson Hill Road are not conducive to the construction of a sidewalk in this location.

Alastair Millns cited the criterion that specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Board voted 6-0-0 to waive the requirements of Section 4.06.1(r) of the Subdivision Regulations – Sidewalks - on a motion made by Alastair Millns and seconded by Nelson Disco.

Public comment

David Huoppi, 115 Wilson Hill Road, noted that water pools at the bottom of the road. Including the 15 lots to be developed across the street, there might be a need for school buses. Chairman Best explained that approximately .86 children (as a multiplier) are predicted for a single-family home. The other subdivision is not being discussed at this meeting.

Jim Wood, 119 Wilson Hill Road, is concerned about road runoff and drains filling up. New lots will add to the problem. The drains are inadequate. Sand and gravel wash down. Chairman Best explained that the applicant must meet the slope requirement to slow water going to the road. The Public Works Department (PWD) will determine the conditions. Alastair Millns noted that PWD suggested eliminating some entrances. Chris Guida said there would be only one driveway rather than the current two. The catch basin would be replaced with a larger one.

Michael Redding suggested Condition #9 about drainage structure and grading.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 6-0-0 to grant final approval, with the following precedent conditions to be fulfilled within six months, on a motion made by Alastair Millns and seconded by Paul McLaughlin.

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits (NHDES Subdivision, NHDES Wetlands, and any others as may be applicable), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Building Department, as applicable;
6. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;

7. The applicant shall address the following comments from the Public Works Department:
 - a. LLA/Subdivision Plan: A driveway culvert must be provided at the shared driveway entrance;
 - b. LLA/Subdivision Plan: Due to the line of sight issues, the only approved entrance shall be that shown on the plan. Add a note to the plan that the proposed common driveway entrance shall be shared by both lots 4A-10 and 4A-10-1; and all other existing driveway entrances shall not be used and shall be eliminated; and any future change in the location must have prior approval. An easement should be reviewed and recorded along with the plan;
 - c. Site Distance Plan & Profile Sheet: The field review of the common driveway location was done on April 4, 2017;
 - d. Site Distance Plan & Profile Sheet: A driveway culvert shall be installed under the proposed common driveway;
 - e. Site Distance Plan & Profile Sheet: The lot numbers shown on the sheet should reflect the proposed lot numbers and not the existing parcel;
 - f. Site Distance Plan & Profile Sheet: Both of the existing driveway entrances on lot 4A-10 shall be eliminated and not used in the future.
 - g. Site Distance Plan & Profile Sheet: Extensive grading and vegetation removal shall be done to the west of the common driveway in order to obtain sight distance. The existing catch basin and pipes to the west of the driveway entrance may be eliminated and replaced with an open drainage ditch line to the proposed driveway culvert. The ditch must be appropriately constructed per section 4.16.
 - h. Site Distance Plan & Profile Sheet: To the east of the proposed driveway, the line of site will require extensive vegetation removal back to the stone wall. The area in front of the stone wall shall be sloped and a new ditch line created to drain to the existing catch basin. In order to accommodate the additional drainage resulting from the subdivision, the existing catch basin shall be replaced as part of the project and shall be constructed per section 4.16.
 - i. Site Distance Plan & Profile Sheet: Due to the existing topography, a detailed grading plan of the entrance shall be provided along with the ROW permit.
 - j. Construction of the ditch lines shall be approved by the Highway Department. All drainage shall be directed to the ditch lines and shall not flow into the road.
8. The applicant shall address the following Planning Staff Technical Comments:
 - a. Fix the typo on Sheet 1, Note 8 “ouside” to “outside”
 - b. Fix the type on Sheet 1, Note 15 “exceed” to “exceeds”

- c. A note regarding the requirements of the Stormwater Management Ordinance and a Pre-construction meeting should be added to Sheet 1, Note 20.
9. The applicant will present a drainage plan that provides appropriately sized drainage infrastructure and/or additional grading that will address runoff from the development and the run-on from the roadway and upslope roadside swale and that is satisfactory to PWD staff along with documentation of their approval of the design.

The following general and subsequent conditions are also placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
4. The applicant shall address the following comments from the Fire Department, as applicable:
 - a. The construction of all roads and access ways must be completed to the Town of Merrimack Specifications allowing access and supporting the weight of fire and emergency medical apparatus throughout the construction period. (NFPA 1, Chapter 18);
 - b. The new lots created by this subdivision shall have the following addresses assigned:
 - A, Lot 4A-23 shall remain # 123 Wilson Hill Road
 - B, Lot 4A-10 shall remain # 135 Wilson Hill Road
 - C, Lot 4A-10-1 shall be # 133 Wilson Hill Road.

5. Discussion/possible action regarding other items of concern

Alastair Millns distributed an article from The Economist about parking.

The Planning Board made the following suggestions for Nelson Disco's presentation on sidewalks at the next meeting: an action plan based on the Master Plan; where, why and how to develop Conditional Use Permit (CUP) regulations focused on a walkable community; walk scores to decide whether a proposal is really a mixed use; design standards; interconnectivity; streetscapes (benches, bike racks); critical areas; need for a master plan, especially on D.W. Highway; where in the community a sidewalk would create an economic benefit.

6. Approval of Minutes – April 4, 2017

The minutes of April 4, 2017, were approved, by a vote of 6-0-0, on a motion made by Nelson Disco and seconded by Michael Redding.

7. Adjourn

The meeting was adjourned at 8:52 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Paul McLaughlin.