



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD VIRTUAL MEETING APPROVED MINUTES TUESDAY AUGUST 18, 2020 7:00 P.M.

Due to the COVID-19 crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Planning Board is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV and the Merrimack TV Facebook Live page (<http://www.facebook.com/merrimacktv>). Telephone access was available for members of the public wishing to speak during the Public Hearing or provide public comment. Also identified on the agenda was the opportunity for general public comment to be submitted leading up to the start of the meeting via email to CommDev@MerrimackNH.Gov.

Members of the Board and Town Staff were participating via Zoom. In accordance with RSA 91-A:2 III, each member of the Board was asked to state, for the record, where they were, and who, if anyone, was with them.

1. Call to Order:

Chair Robert Best called the virtual meeting to order at 7:11 p.m. He then read the procedures and processes for the virtual meeting.

Roll Call:

- Robert Best (Chair) stated he was present and alone in the room he was in.
- Alastair Millns (Vice Chairman) stated he was present and alone in the room he was in.
- Lynn Christensen stated she was present and alone in the room she was in.
- Councilor Bill Boyd (Ex-Officio) stated he was present and alone in the room he was in.
- Nelson Disco (Alternate - joined the meeting at 7:22) stated he was present and alone in the room he was in.

Members Absent:

- Neil Anketell
- Paul McLaughlin

Staff Present: Robert Price, Planning and Zoning Administrator (participating remotely from his office at Town Hall in Merrimack).

2. Planning & Zoning Administrator's Report

The Board voted 4-0-0 by roll call vote to determine that the Bowers Landing Site Plan and Lastowka Lot Line Adjustment are not of regional impact, on a motion made by Alastair Millns and seconded by Lynn Christensen.

3. **Granger Revocable Trust (applicant/owner)** - Continued review for acceptance and consideration of final approval for a two lot subdivision. The parcel is located at 225 Naticook Road in the R-4 (Residential, by soils) District, Aquifer Conservation, and Wellhead Protection Areas. Tax Map 2B, Lot 034. Case # PB2020-11. **This item is continued from the June 16, 2020 Planning Board meeting.**

At the applicant's request, the Board voted 4-0-0 by roll call vote to continue both the application's acceptance and public hearing to September 15, 2020, on a motion made by Bill Boyd and seconded by Lynn Christensen.

4. **Synergy Storage Structures, LLC (petitioner/owner)** - Continued review for consideration of an amendment to a previous conditionally approved Site Plan regarding access and parking. The parcel is located at 403 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation and Elderly Housing Overlay Districts. A portion of the parcel is subject to the Flood Hazard Conservation District. **This item is continued from the July 21, 2020 Planning Board meeting.**

At the applicant's request, the Board voted 4-0-0 by roll call vote to continue the public hearing to September 1, 2020, on a motion made by Alastair Millns and seconded by Lynn Christensen.

5. **Christopher Ross, LLC (applicant/owner)** - Continued review for acceptance and consideration of a Waiver of Full Site Plan Review for the conversion of current retail space into 12 multi-family residential units including building additions totaling approximately 848 square feet. The parcel is located at 401 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 083. Case # PB2020-14. **This item is continued from the July 21, 2020 Planning Board meeting.**

Robert Price advised the board that a continuance is being requested because the applicant submitted updated plans late in the week which did not allow enough time for department or staff review.

At the applicant's request, the Board voted 4-0-0 by roll call vote to continue both the application's acceptance and public hearing to September 1, 2020, on a motion made by Alastair Millns and seconded by Lynn Christensen.

Nelson Disco joined the virtual meeting at 7:22 p.m. and was seated for Neil Anketell.

6. **Bowers Landing of Merrimack II, LLC. (applicant/owner)** - Review for acceptance and consideration of final approval for a site plan to construct 72 multi-family residential units in Phase VII of the Harris Pond Planned Unit Development. The parcel is located off Bowers Landing Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 1D, Lot 001-04. Case #PB2020-16

Robert Price offered a brief summary and explained that this project is Phase VII and the final phase in the Harris Pond Planned Unit Development. He also noted that this project was sent to

Fuss & O'Neill for peer review; however the escrow funds were just received so the peer review is not yet complete at this time.

Matt Peterson (Keach Nordstrom Associates, Inc.) presented the project on behalf of the applicant. Mr. Peterson gave a brief history of the project, explaining that it dates back to 2001/2002 and began with the construction of the Dunkin Donuts that is at the entrance of the development. The construction of phase VI is currently underway so the Applicant is now seeking approval for the final phase, which consists of 72 garden-style units. These units will be spread across three 4-story buildings, each containing 24 rental apartments. Mr. Peterson also added that 112 parking spaces are being proposed and only 104 are required per the town's parking calculations. He referred to the Site Plan to point out items to the Board such as the proposed infiltration basin, the utilities, and the erosion control plan that was reviewed with the Conservation Commission on 8/18/2020.

The Board voted 5-0-0 by roll call vote to accept the application as complete for review on a motion made by Alastair Millns and seconded by Nelson Disco.

Chairman Best asked Mr. Peterson to review the pedestrian sidewalks that are being proposed for the plan. Mr. Peterson pointed out an error on that plan that shows one of the sidewalks being cut off before the property line but assured the Board that it would be corrected and that sidewalks are present throughout the development. Chairman Best also called out a driveway to one of the buildings that looks as if it is missing a sidewalk and Mr. Peterson agreed that he would take another look at the plan to see if one can be added. Nelson Disco made a recommendation about adding landscaping around the infiltration basin and added that he agrees with comments already made on the sidewalks. Councilor Bill Boyd agreed with the remarks already made about the landscaping and asked a question regarding the buffer for building two as to whether or not the third floor residents will be at tree level or above tree level. Mr. Peterson did not have an answer readily available but promised to research it for the next meeting. He also responded to a question regarding the upkeep and maintenance of the detention pond, explaining that the Association is responsible for upkeep and maintenance.

There was no public comment.

The Board voted 5-0-0 by roll call vote to continue the public hearing to September 15, 2020 on a motion made by Bill Boyd and seconded by Alastair Millns.

7. **Frank and Erin Morris (applicants/owners)** - Review for consideration of an amendment to a previously approved Subdivision Plan to allow for a gravel driveway and timber bridge whereas a paved driveway and concrete bridge were approved. The parcel is located at 42 Parkhurst Rd. in the R-1 (Residential by map) District and Aquifer Conservation Area. Tax Map 7A, Lot 003. Case # PB2020-17.

Robert Price provided a brief history on the project and explained that the majority of the lot is located in the town of Bedford, however access to the lot (on Parkhurst Road) is located in Merrimack. The plan was approved by the Bedford and Merrimack Planning Boards in approximately 2008 and the lot has been sold a couple of times and is now being built out by the Morris family. When the applicant approached Public Works about the Right of Way permit, Public Works indicated that they could not approve the request because it was not being built according to the plan (the applicant proposed a gravel driveway whereas the plan shows a paved driveway). He then advised the Board that the bridge has already been constructed with timber but the original plan called for concrete so it was added to the amendment request. He

went on to explain that Staff spoke to the town's Legal Counsel on this issue because this type of detail (gravel vs paved driveway and timber vs concrete bridge) is not usually even part of a subdivision plan. Staff was advised by Legal Counsel that it needed to go back to the Planning Board since Public Works did not agree with the applicant's proposed change in design without an amended plan showing the change.

Frank Morris (applicant) advised the Board that the details Robert provided were accurate and added that bridge was changed from concrete to timber for aesthetic reasons only, as is the case with the driveway. He noted the driveway would contain a paved apron, as is required by Public Works.

There was no public comment.

Nelson Disco left the virtual meeting at 8:00 p.m.

The Board voted 4-0-0 by roll call vote to grant conditional final approval, subject to the following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made Lynn Christensen and seconded by Alastair Millns:

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 address any forthcoming comments from other municipal departments, as applicable.
3. The applicant shall obtain either amended subdivision approval from the Town of Bedford or written confirmation from the Bedford Planning Director/Zoning Administrator that an amended subdivision is not necessary from the Town of Bedford.
4. The applicant shall address the following Planning Staff Technical Comments:
 - a. Add a signature line for the property owner.
 - b. Revise the Planning Board signature block to have lines for "Chair" and "Vice Chair" as per the Board's current structure (the position of Secretary was renamed Vice Chair in June 2017).

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

1. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
- 8. William Lastowka (applicant) and Land of Goshen (owner) -** Review for acceptance and consideration of final approval for a lot line adjustment. The parcels are located at 5 and 7 Watkins Rd. in the R (Residential District) (Cluster Subdivision), Aquifer Conservation, and Wellhead Protection Areas. Tax Map, 4C, Lots 449 and 449-01. Case # PB2020.

Mike Ploof (Fieldstone Land Consultants, PLLC) presented the project to the Board on behalf of the applicant. The proposal is to move the lot line between lots Tax Map 4C, Lot 449 and Tax Map 4C, Lot 449-01 to result in an additional 1,050 square feet of land on Lot 449. The applicant

owns both properties in question. Chairman Best asked about an Easement for the driveway for the property located on Lot 449 to which Mr. Ploof explained his understanding is that there is not a formal easement established but the driveway has been used continuously since the late 1800's (noting it is likely a prescriptive right to pass). Chairman Best explained that one of the conditions of approval for the lot line adjustment will be to provide proof of a legal easement for the encroachment. Mr. Ploof ensured Chairman Best that they will work with the town's Legal Counsel on formalizing the easement.

The Board voted 4-0-0 by roll call vote to accept the application as complete for review on a motion made by Lynn Christensen and seconded by Alastair Millns.

There was no public comment.

The Board voted 4-0-0 by roll call vote to grant conditional final approval, subject to the following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made Lynn Christensen and seconded by Bill Boyd:

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 any required State approvals/permits applicable to the project and provide copies to the Community Development Department, as applicable.
3. The applicant shall note any 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, if applicable and at the applicant's expense, by the Town's Legal Counsel.
5. The applicant shall address any forthcoming comments from the Public Works Department as applicable.
6. The applicant shall address any forthcoming comments from other municipal departments & boards/commissions, as applicable.
7. The applicant shall address the following Planning Staff Technical Comments:
 - a. Revise Note 14 to say "... a copy will be on file with the Community Development Department."
 - b. Staff notes that the driveway access for Lot 449 appears to encroach onto abutting Lot 450. Applicant shall provide easement documentation that allows such use and note that easement on the plan.
 - c. Please provide all required monuments for all lot corners and points of curvature as required by the regulations.
 - d. The applicant shall revise the Planning Board signature block to have lines for "Chair" and "Vice Chair" as per the Board's current structure (the position of Secretary was renamed Vice Chair in June 2017).

9. Discussion/possible action regarding other items of concern.

Chairman Best reminded the Board that they will return to a two meeting a month schedule in September and that meetings will continue to be virtual for the time being.

10. Approval of Minutes — July 21, 2020.

The Board voted 4-0-0 by roll call vote to approve the minutes of July 21, 2020, as submitted, on a motion made by Lynn Christensen and seconded by Alastair Millns.

11. Adjourn

The Board voted 4-0-0 by roll call vote to adjourn at 8:13 p.m., on a motion made by Lynn Christensen and seconded by Alastair Millns.