



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

Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD APPROVED MINUTES

TUESDAY, FEBRUARY 21, 2017

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig (arrived 7:05 p.m.), Michael Redding, Lynn Christensen, Vincent Russo, and Alternates Nelson Disco and Paul McLaughlin.

Planning Board member absent: Desirea Falt.

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

1. Call to Order

Robert Best called the meeting to order and welcomed Paul McLaughlin to the Board as an alternate. Chairman Best designated Paul McLaughlin to sit for Desirea Falt.

2. Planning & Zoning Administrator's Report

The Board voted 7-0-0 to determine that the Vaughn/Farrell Lot Line Adjustment & Subdivision is not of regional impact, on a motion made by Lynn Christensen and seconded by Alastair Millns.

Tom Koenig arrived at 7:05 p.m.

3. Skippers Marine Corp. (applicant/owner) - Continued review for consideration of a waiver of full site plan review to amend a previously approved outdoor boat display and storage. The parcel is located at 54 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 029. This agenda item is continued from the November 1, 2016, December 6, 2016, January 3, 2017 and February 7, 2017 meetings.

Jillian Harris informed the Planning Board that the Fire Department has concerns about whether the two proposed spaces on the north side will allow the required 24'-wide traversable aisle. A recent inspection showed a second possible business on the site for motorcycle service & repair, but the applicant says it is not an active business.

John (Skip) Moir, Jr., 11 Loop Road, said there is room on the side to allow for two parking spaces with room for a fire truck to pass, but Chairman Best noted that the Fire Department disagrees. Skip Moir will put two parking places at the top of the driveway on the right corner and will remove the blue Ford and boat that are there now. His marine mechanic brought motorcycles from his business that he promotes on the side and uses the vacant bay on the weekend. Although he is out of business, the sign is still up; it will be removed tomorrow. As to overflow parking, the lot should be sufficient

with better scheduling and control. There is no overflow now. Skip Moir submitted a new plan with all the required notes.

Chairman Best explained that the Fire Department is trying to be flexible by allowing boats to be moved out of the way during the day but it will allow nothing between the guardrail to the building during the night. Customer parking spaces must be empty for customers during the day. Vincent Russo encouraged the applicant to meet with the Fire Department.

Staff notes that Skip Moir has a contract worker who works on the upholstery on the boats that are serviced as part of his business. Skip Moir said the contract worker has one table in the shop. Vincent Russo said that, since the contractor also works from home and on outside business, it is a separate business. Chairman Best explained that two separate businesses on one site change the parking and other requirements, but not if one business is a contract employee. The applicant must either remove the business or get Planning Board approval for it. Skip Moir will tell the upholsterer that he can work only on boats and not cars because the customer parking spaces are needed for the boats.

Lynn Christensen said that administrative approval was given in 2009 to convert four parking spaces to angled spaces for boat parking; however eight boats are parked there. Three areas on the plan are marked "snow storage", but there are 14 boats stored in two of them. There are 6-8 boats parked on the retention basin. A car could drive around the two new spaces, but a truck could not. Those parking spaces would eliminate the drive-thru. The only place to park between the building and the street is the center island, which has seven boats. There is one empty space in front of the building. This morning Lynn Christensen saw a car parked at the entrance that had to back out onto the street. In her opinion there is no place to put more parking, there are too many boats stored than are allowed, and there is no room for a fire truck to pass. Boats should not be parked in the snow storage areas. Chairman Best reminded the Board that the administrative approval allows the 4 spaces to be used for boats, but the grassy area should be for snow storage according to the original site plan. Although Skip Moir said there are no boats in the detention area, Lynn Christensen produced a photo allegedly refuting that statement. Chairman Best said there should be four parking spaces that would not interfere with Fire Department access needs and there should be no spaces near the guard rail. Skip Moir said he has oral permission for employees to park at S&J Motors if the lot is full. Lynn Christensen suggested that removing five boats from the front of the building would create enough parking spaces. Boats are preventing access to the bays. Vincent Russo suggested getting rid of boats where there are two hash marks on the plan at the north side of the building. They are not really boat storage but working areas. He also suggested marking the space on top for "drop off". Chairman Best suggested marking on the plan every place where boats would park (as opposed to cars or snow storage or landscaping). Lynn Christensen said so many large boats close to the street up against the fence create a sight distance problem. She suggested moving them back and parking smaller boats near the street.

Chairman Best suggested that Planning Board members visit the property before the applicant's next appearance before the Board.

Vincent Russo objected to striking out notes on the original plan and replacing them with new ones because he finds it difficult to approve a change without seeing the original plan language. Chairman Best disagreed, saying the original recorded plan does not change. This is just an amended site plan to reconfigure parking, and would not be recorded as a waiver of full site plan.

The Planning Board required the applicant to do the following before his next appearance before the Board: show revised parking on the plan, reword Note 3, add notes to the original plan, meet with the Fire Department, and rearrange boat placement.

Following consent of the applicant to extend the 65-day deadline under RSA 676:4, the Board voted 7-0-0 to continue this item to April 4, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Lynn Christensen.

4. Brett W. Vaughn (applicant) and Farrell Family Revocable Trust (owner) -
Review for acceptance and consideration of Final Approval for a Lot Line Adjustment between three existing lots and Subdivision plan resulting in a total of four residential lots. The parcels are located at Wilson Hill Road in the R-1 (Residential) and Aquifer Conservation District and Flood Hazard Conservation District. Tax Maps 4A, Lots 003, 004 and 022. **This agenda item is continued from the February 7, 2017 meeting.**

Jillian Harris said the applicant intends to adjust the lot lines of the existing lots and then subdivide Lot 4A-22, for a total of four separate lots, each to be serviced by private well and septic. Revised plans were submitted to comply with R-1 zoning Districts requirements. There is a barn on two lot lines that will need to either be removed or relief sought for its placement. Sight lines issues are being discussed with the Public Works Department (PWD).

Chairman Best said PWD explained in a memo that they looked at the driveway locations and said they are consistent with the plan, but they should be reviewed again just before construction.

Chris Guida, Certified Wetland and Soil Scientist, Fieldstone Land Consultants, Inc., reconfigured some irregular lots to conform to R-1 District zoning requirements and to provide some additional land to abutters. He explained how the lots would change. Nelson Disco suggested showing the house on Lot 4A-5-1 on the plan. Chris Guida said test pits were done on all the lots and were witnessed by the Town. The results would be submitted to the State after Planning Board approval.

Condition 7.b.i. states, "A sight plan analysis Plan and Profile shall be provided for each driveway based upon 40 mph or a 400' sight distance. Driveway locations shall be marked in the field for final review once the plans are provided." At PWD's request,

Chris Guida designed the sight distance profiles for 40 miles per hour (mph), even though it is a 30 mph road. The large sycamore tree would remain.

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 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

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

Michael Redding noted that the winding section of the road is used for biking and running and wanted the applicant to support such activities. Chris Guida said the easement to the Town 25' from the centerline of the road to the right-of-way would extend across the frontage of those lots. The right-of-way would be widened. The road would not change from 30 mph. A sidewalk would cause engineering changes and would not be beneficial.

Michael Redding suggested making modifications in the road, such as making a gravel edge and clear visibility for pedestrian access, in exchange for a sidewalk waiver. Chris Guida said he would explore that option, but worried that changing a familiar road could increase the hazard.

Brett Vaughn, 123 Wilson Hill Road, said he would remove some trees and part of the wall, which Michael Redding suggested noting on the plan. Chairman Best suggested flat level grading in the front of the lots because Wilson Hill is the narrowest road in town and runners/bikers could use "breathing space".

Brett Vaughn agreed to create a shoulder at each lot in return for a sidewalk waiver. He would rebuild the stone wall, and remove vegetation 3'-5' from the edge if feasible. See condition #9.

Alastair Millns cited 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 7-0-0 to waive the requirements of Section 4.06.1(r) – Sidewalks – of the Subdivision and Site Plan Regulations, on a motion made by Alastair Millns and seconded by Vincent Russo.

Public comment

Chairman Best read into the record an e-mail from Michael Martin, 144 Wilson Hill Road, questioning the purpose and layout of Parcel D, whether new construction would be close to his property line, the quantity and quality of new wells, impact of septic systems on quality of his groundwater, impact on wildlife, possible removal of the

double fieldstone wall, driveway placements and their impact on drainage, grade and slope of existing woodland, fill, impact on drainage, and future value and tax assessment of his property.

In answer to the e-mail, Brett Vaughn said he would most likely move part of the wall, but could make no promises. He needs no permission, since it is on his property. Chris Guida said the lots have very well drained soils. Brett Vaughn said there is no way to tell whether water would be an issue. An owner has a right to water under his land. There are miniscule odds that one well would affect another well. There is a lot of water in the area. Michael Martin should have no problem. As to wildlife, Chairman Best said the Planning Board cannot stop an owner from building on his lot nor is property value under Planning Board jurisdiction. Chris Guida showed the driveway fill areas. The only drainage on the other side is at one culvert with minimal flow and goes to the wetland area and not onto Michael Martin's property. Drainage comes off the hill and to the side. There may be a culvert at the right-of-way. Chris Guida explained the old catch basin setup and PWD questions about drainage. Most water infiltrates into the ground. The culvert outfall would have a 10'x15' easement on the new lot. Jillian Harris suggested adding a condition to "address updated PWD comments on Condition #7".

Brett Vaughn repeated that the shed and barn on Lot 4A-22 would be removed.

Michael Redding wanted the swale maintained for extreme storm events. He agreed there is a lot of water because the property is near the Souhegan Aquifer and could support a four-lot subdivision.

The Board voted 7-0-0 to grant final approval, with precedent conditions to be fulfilled within six months and prior to signing of the plan, unless otherwise specified, on a motion made by Alastair Millns and seconded by Lynn Christensen.

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 and any updated comments from the Department of Public Works:

- a. The Lot Line Adjustment Plan – Sheet 1 states that the Existing ROW width varies. What is the proposed width of the proposed ROW from the centerline of the road? The Plan should reflect this and follow the guidelines of Section 4.12.1. The concern is due to the existing horizontal curves in the road and the vertical sags making the all season sight distance difficult along this section of existing road. If the existing drainage extends into the property, Drainage Easements should also be prepared and shown on the plan.

Section 4.12.1 Provision For Future Widening or Upgrading of Streets “... the Board shall require dedication by deed and platted in general accordance with the typical sections herein, at least 25 feet from the centerline of the existing Town Road or right of way for the future widening of streets where existing road widths are insufficient for present standards or are of such a nature as to cause traffic hazards.”

- b. Subdivision Plan of Map 4A Lot 22 into 4 lots. New driveway entrances are being proposed on all 4 lots.
- i. A sight plan analysis Plan and Profile shall be provided for each driveway based upon 40 MPH or a 400 foot sight distance. Driveway locations shall be marked in the field for final review once the plans are provided.
 - ii. Any vegetation that requires removal to obtain adequate all season sight distance shall be noted on the plans.
 - iii. The catch basins on the north side of the road are not connected.
 - iv. All proposed driveway entrance construction shall conform to Section 4.13.1 under the Roadway and Utility Standards and shall be noted on the plans.
 - v. Add note to plans indicating any work within the public right of way on Wilson Hill Road will require a right of way permit from the Highway division of Public Works.
 - vi. Section 4.06.1(i) - monumentation is required at all lot corners and points of curvature/tangency.
 - vii. Any required Drainage Easements shall comply with Section 4.14. Positive flow shall be maintained from all of the existing drainage outfalls.
 - viii. The house and/or driveway locations shall not interfere with the existing flow of drainage from the culvert outlet.

8. The applicant shall address the following Planning Staff Technical Comments:

- a. The existing barn/structures located on the proposed lot line between lots 4A-22 and 4A-22-1 should either be removed or the necessary relief and

easements documented and a copy provided to the Community Development Department;

- b. A note regarding the requirements of the Stormwater Management Ordinance and a Pre-construction meeting should be added.
9. The applicant shall add a note that describes the intent to provide 3-5' of cleared and graded space within the right-of-way along the frontage of the newly subdivided lots, in lieu of a sidewalk and where feasible.
10. The applicant shall illustrate the structure on lot 4A-5-1.

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. A roadway deed (in a format acceptable to the Public Works Department and Town's Legal Counsel) shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant prior to the posting of a Maintenance Surety as required by Section 5.01.1 of the Subdivision Regulations. The Planning Board will not act upon establishment of any Maintenance Surety or recommend Roadway Acceptance (for the requested roadway widening of Wilson Hill Road) to the Town Council until such time that the roadway deed is recorded, unless otherwise stipulated by the Public Works Department.
4. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
5. The applicant shall address the following comments from the Fire Department, as applicable:
 - a. The plans show a change in location of the lot line between lot 4A-22 and 4A-22-1. The current plan shows the lot line running through an existing structure, an old barn. It is assumed the barn will need to be demolished. Note that any structure that is to be demolished requires a demolition permit be obtained from the Town of Merrimack Building Department. If the barn is not going to be removed an address will be assigned to it based on its location on the lot.
 - b. 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);
 - c. The new lots created by this subdivision shall have the following addresses assigned:
 - A, Lot 4A-22-1 shall be # 134 Wilson Hill Road.
 - B, Lot 4A-22-2 shall be # 132 Wilson Hill Road

- C, Lot 4A-22-3 shall be # 130 Wilson Hill Road

5. The Specialists Auto and Truck NH, LLC. - Review for consideration of a waiver of full site plan review to add motor vehicle sales to an existing automotive service business. The parcel is located at 422 D.W. Highway in the C-2 (General Commercial) and Aquifer Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lot 004.

Jillian Harris said the applicant proposes to supplement the existing automotive service and repair business with low-volume sales and storage of new and used motor vehicles. A Special Exception to allow for vehicle sales in the C-2 District was approved by the Zoning Board of Adjustment (ZBA) on January 25, 2017. The applicant proposes no site changes to the property, utilizing existing parking spaces and office space to conduct the vehicle sales operations in conjunction with the existing automotive service use.

Dustin Jackson, 422 D.W. Highway, said there would be a maximum of 10 spaces in back. He does most sales on line. This is primarily a repair shop. He has a changeable copy sign, currently and that will not change. There would be no cars on consignment.

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 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

The Board voted 7-0-0 that a sidewalk waiver is not necessary and to waive full site plan review, on a motion made by Alastair Millns and seconded by Michael Redding.

There was no public comment.

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 7-0-0 to grant final approval, with the following precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified, on a motion made by Alastair Millns and seconded by Vincent Russo.

1. Final plans to be signed by all property owners;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. The applicant shall note the waiver of full site plan was granted on February 21, 2017 on the plan;

4. The applicant shall address any forthcoming comments from municipal departments/boards/committees as applicable;
5. The applicant shall address the following Planning Staff Technical Comments:
 - a. A note shall be added indicating the Special Exception granted by the Zoning Board on January 25, 2017;
 - b. The plan shall be updated to indicate clearly the spaces that are to be utilized for vehicles for sale (currently “highlighted” but must be more clearly depicted on the plan);
 - c. Note #2 can be removed, and replaced by note indicating granting of any waivers per precedent condition #3, as applicable;
 - d. A note should be added to indicate that all items indicated on the plan as “proposed” have been constructed in accordance with the original site plan.

6. Discussion/possible action regarding other items of concern

The Planning Board agreed to put items suggested in the Master Plan but not acted upon, along with backup information, on the agenda of its first meeting of each month and tasked Nelson Disco, in consultation with staff, to suggest the order in which to discuss the items.

The Board voted 7-0-0 to reduce the Old Blood Road/Richard Prince Subdivision performance bond to \$60,989 and to extend the bond for another two years, on a motion made by Lynn Christensen and seconded by Vincent Russo.

The Board voted 7-0-0 to establish a Barbie Court/Cota Subdivision performance bond at \$500,668.78 and to reduce it to \$366,284.08, on a motion made by Alastair Millns and seconded by Vincent Russo.

7. Approval of Minutes – January 17, 2017

The minutes of January 17, 2017, were approved, with changes, by a vote of 6-0-1, on a motion made by Lynn Christensen and seconded by Paul McLaughlin. Tom Koenig abstained.

8. Adjourn

The meeting was adjourned at 9:25 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Vincent Russo.