



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MERRIMACK PLANNING BOARD VIRTUAL MEETING APPROVED MINUTES JANUARY 19, 2021**

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 webpage (<http://www.merrimacktv.com>). 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](mailto: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**

Alastair Millns called the virtual meeting to order at 7:00 p.m. and read the procedures & processes for the virtual meeting. He appointed Nelson Disco to a voting position.

Roll Call:

- Alastair Millns (Vice Chair) stated he was present at home and alone in the room he was in.
- Nelson Disco (Alternate) stated he was present at home and alone in the room he was in.
- Neil Anketell stated he was present at home and alone in the room he was in.
- Councilor Bill Boyd (Ex-Officio) stated he was present at home and alone in the room he was in.

Members Absent: Robert Best (Chair), Paul McLaughlin & Lynn Christensen

Planning and Zoning Administrator, Robert Price was also present at his office in Merrimack Town Hall.

### **2. Planning & Zoning Administrator's Report**

None

- 3. City Bay Realty, LLC (applicant/owner)** – Continued Review of a Waiver of Full Site Plan for the construction of a 1,425 square foot "Play Area" for an existing child daycare use. The parcel is located at 416 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Flood Hazard Conservation, Elderly Housing and Town Center Overlay Districts.

Tax Map 5D-4 Lot 003. Case # PB2021-01. **This item is continued from the January 5, 2021 Planning Board meeting.**

Matt Peterson, (Keach-Nordstrom Associates) presented the project on behalf of the applicant. Mr. Peterson shared the site plan and walked through the revisions that were made to the plan based on questions/feedback from the last meeting on January 5, 2021. The changes include a speed bump to reduce speeding in the area of the playground, the addition of a striped loading zone, the elimination of 7 parking spaces near the playground and the addition of wooden beams to further protect the playground. One other minor change that was mentioned was that a note was added to the comments to re-add the directional parking arrows to the pavement.

Nelson Disco asked about the emergency access to the residential site on the abutting property and whether or not a no parking sign was going to be placed there. Mr. Peterson stated that they intended to stripe the location and had not originally considered a sign but will make a note to add one. Alastair Millns also suggested the addition of No Parking signs on the fence surrounding the playground. Mr. Peterson agreed to make the change from the pavement striping to the no parking signs because the pavement striping fades over time.

Robert Price indicated that he had a discussion with the Fire Marshal (John Manuele) and the Fire Department is recommending jersey barriers or bollards for protection of the fence and not the wood beams proposed by Mr. Peterson. The Board members discussed the different options and gave their opinions on each but agreed that the wooden beams would be more aesthetically pleasing. Councilor Boyd asked about the placement of the dumpsters and whether or not they were going to be re-located and Mr. Peterson commented that there really isn't anywhere else to move them to. Councilor Boyd also asked for clarification on the traffic flow throughout the site to which Mr. Peterson replied he is not proposing any changes. Councilor Boyd thanked Mr. Peterson for adding the speed bump that was discussed at the last meeting.

There was no public comment.

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

1. Final plans to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans as applicable.
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. Any waivers granted (including Section and date granted) and/or any changes requested by the Planning Board shall be listed and fully described on the final plan, 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 Merrimack Village District, as applicable.

6. The applicant shall address the following comment from the Public Works Department, as applicable: The work being proposed does not appear to affect the Right of Way of Daniel Webster Highway. If any work should need to be done within the ROW of Daniel Webster Highway a Driveway Permit shall be obtained from the Town of Merrimack Highway Department.
7. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable.
8. The applicant shall address any forthcoming comments from the Fire Department, as applicable.
9. The applicant shall address any conditions made by the Planning Board during the public hearing.
  - a. The emergency access & sewer easement for Overlook Estates shall be labeled on the plans.
  - b. No parking signage shall be installed in the area of the “No Parking” striping that leads to the sewer easement/access road for Overlook Estates.
10. The applicant shall address the following Planning Staff Technical Comments:
  - a. Correct “7 parking spaces removed” on the plan to “10 parking spaces removed.”
  - b. A note that states that the paint for the existing striped “no parking” area in front of the emergency access and sewer easement shall be repainted for visibility purposes shall be added to the plan.
  - c. The plans shall be clarified if the label on the plans “no parking” indicates proposed “no parking” signage.
  - d. “No Parking” signage shall be posted on the protective barrier around the playground.

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

1. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
2. The applicant shall address any comments from the Fire Department, as related to building fire code compliance, sprinkler systems, building addressing, etc., as applicable (that are not deemed precedent conditions).
3. The applicant shall address any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable (that are not deemed precedent conditions).
4. The emergency access and sewer easement for Overlook Estates shall be kept clear of snow and vehicles.

- 4. Wonderland Farm, LLC (applicant) and Linda Raymond (owner)** - Conceptual discussion regarding a proposed Christmas Tree Farm (construction of site improvements and Christmas tree sales). The parcels are located at 105 and 107 Turkey Hill Road in the R-1 (Residential, by soils), and Aquifer Conservation Districts. Tax Map 4C, Lots 229 and 229-01.

Robert Price reminded the Board members that this is a conceptual discussion and the applicant is looking for feedback only. He added that the applicant will require variance relief for the proposed use and is on the January Zoning Board agenda. Public comments were also received from two abutters as the applicant took the extra step of notifying abutters of the conceptual discussion in order to get additional feedback. Staff recommends that the public comments that were received already be read into the record and that the opportunity for new public comments be made available after the discussion.

Matt Peterson, (Keach-Nordstrom Associates) and Derek Gagnon (applicant) spoke on behalf of the project. Mr. Peterson provided an overview of the lots in question and explained that the 8.66 acre parcel in question (105 Turkey Hill Road) was subdivided from 107 Turkey Hill Road during the end of 2020. Mr. Peterson also stated that he felt it was important to get the feedback from the abutters based upon their concerns that were voiced during the subdivision process. Mr. Peterson then explained the conceptual plan to the Board which includes growing Christmas trees on the majority of the land and then selling the trees and some snacks during the months of November and December. Mr. Peterson also explained that it takes 6-7 years for the trees to grow so the applicant is hoping to have trees shipped in for the first several years while the new ones grow. Mr. Gagnon introduced himself and explained that owning a Christmas Tree Farm has always been a dream of his family and he is hoping to fulfil that dream to show his sons the value of hard work.

Nelson Disco asked if a house is still going to be built on the property and whether or not the snack shack is within the setbacks. Mr. Peterson confirmed that there would not be a house built on the lot and Robert Price answered the question on the setbacks for the snack shack. If the building remains as demonstrated on the plan, a variance will be needed because it is located on the adjacent parcel (107 Turkey Hill Road), however its proposed location is compliant with the setbacks of that particular property. Mr. Disco also asked if the driveway and parking area were going to be paved and Mr. Peterson indicated that the hope is to have a gravel driveway and parking area because the lot will only have visitors a couple months of the year. Mr. Disco expressed the concern that even if the area is gravel, it will still need to be treated as an impervious surface and Mr. Peterson commented that he understands that drainage will still need to be factored in.

Councilor Boyd spoke favorably about the project but was curious how the traffic in the neighborhood would be impacted during the months of November and December. He also asked if the applicant is planning on trucking in trees from other parts of NH while the ones on the lot grow. Mr. Gagnon responded that they are hoping to sell trees grown in other areas initially to help off-set the cost of getting the farm started. Councilor Boyd also asked about the intentions of the land the rest of the year (Jan-October) and Mr. Gagnon responded that they will be tending to the growing trees during the off-season.

Nelson Disco asked about the wetlands on the property and whether or not a culvert is going to be needed. Mr. Peterson said he is not sure and will look into it. Neil Anketell asked about the growing process and plans for clear cutting to make room for the new trees. He also asked whether or not the applicant is planning on leaving a natural buffer so when the land is cleared the neighbors are not looking at an empty field. Mr. Peterson explained that they applicant

intends to clear-cut the land an acre at a time to plant the new trees in stages so that there is staggered growth. As for the buffer, he responded that they have not discussed it yet because they are still in the early stages of the project. Mr. Anketell also asked if there is sufficient access to the site to allow for the heavy equipment needed for the clearing of the land. Mr. Peterson explained that the road is constructed and approved already and can handle logging trucks and the other equipment that is needed. Mr. Anketell also asked for confirmation on the hours of operation, stating that he assumes it will be something done during daylight hours so that no lighting will be needed and Mr. Peterson agreed with his assessment.

Public Comment was received via email from: Robert & Debra Uttero, 5 Acacia Street; and Bradford Parkhurst, Sr., 109 Turkey Hill Road.\*

*\*Copies of these emails are available in the project file located in the Community Development Department at Merrimack Town Hall.*

Mr. Peterson responded to the questions raised in the email from Mr. and Mrs. Uttero by advising the board that the applicant intends to use natural fertilizers without pesticides that are safe for the land, air and water. Irrigation has not been worked out yet but will be discussed prior to moving forward with the actual project submittal. Nelson Disco reminded Mr. Peterson that herbicides will also need to be addressed and asked if there is ledge at the site. Mr. Peterson did not have an answer on the ledge at the site but stated he would get it. Neil Anketell asked what kind of trees are going to be planted. The applicant responded that they are going to offer a variety of trees including some that are native to the area and some that are not. They will not know for sure until they determine what is best for the soils on the site.

## **5. Discussion/possible action regarding other items of concern**

Lot Line Adjustment Extension Request for 5 & 7 Watkins Road

**The Board voted 4-0-0 by roll call vote to grant a six month extension to the conditional approval of the 5 & 7 Watkins Road Lot Line Adjustment on a motion made by Nelson Disco and seconded by Bill Boyd.**

## **6. Approval of Minutes — January 5, 2020**

**The Board voted 3-0-1 by roll call vote to approve the minutes of January 5, 2021, as drafted, on a motion made by Bill Boyd and seconded by Nelson Disco. Neil Anketell abstained.**

## **7. Adjourn**

**The Board voted 4-0-0 by roll call vote to adjourn at 7:54 p.m. on a motion made by Bill Boyd and seconded by Nelson Disco.**