



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

APPROVED MINUTES

TUESDAY, JANUARY 22, 2019

Members present: Robert Best, Alastair Millns, Tom Koenig, Dan Ricker, Neil Anketell, and Alternate Nelson Disco

Members absent: Michael Redding and Lynn Christensen

Staff present: Assistant Planner Kellie Shamel and Recording Secretary Zina Jordan

1. Call to Order

Robert Best called the meeting to order and designated Nelson Disco to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

None.

3. **WiRed Barn, LLC. (applicant/owner)** – Continued review for acceptance and consideration of a waiver of full site plan review for a change of use to allow a dog boarding and daycare business in addition to the existing residential dwelling. The parcel is located at 3 Wire Road in the C-2 (General Commercial), Flood Hazard Conservation and Aquifer Conservation Districts. Tax Map 2B, Lot 293-01. **This item has been withdrawn by the applicant.**

Withdrawn by applicant

4. **Streif, LLC. (applicant/owner)** – Continued review for acceptance and consideration of an amendment to the previously approved residential site plan entitled "Overlook Estates" to revise the previously-approved off-site improvements by allowing excavation of material and installation of water and sewer services on Map 5D-4, Lot 099. The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 099. **This item is continued from the December 18, 2018, meeting.**

Kellie Shamel informed the Board that the plans have been revised since the public hearing on December 18, 2018, and have addressed the majority of previous comments. Chairman Best complimented the applicant for cleaning the site in response to the Board's comments.

Brent Cole, Keach-Nordstrom Associates, Inc., said the Public Works Department (PWD) inspects weekly and has found no erosion control issues. All erosion control measures are in place. There is no change in the 100-year storm drainage pattern. The geotechnical letter recommended what is already on the plan, such as jute matting and hydro-seeding. Long-term maintenance of the slope has been added to the maintenance logs. There would be no increase in storm water going from woods to grass. The applicant has been granted an Alteration of Terrain Permit and has submitted an amendment to the AOT permit per the Board's request. The Souhegan River Local Advisory Committee (SoRLAC) has no issues.

Conor Beote, Manager, Streif, LLC, said the two holes in front are 30' from the road and are intended for future Eversource poles and to begin the realignment process, which was delayed because of winter storms. One is 20' deep, the level at which the road would be cut. Chairman Best suggested a barrier or flagging and Alastair Millns suggested night lights, tape or stakes. Conor Beote will replace the flags, which were down because of winter storms. He may fill in the holes temporarily and/or put up barriers for safety purposes. Kellie Shamel added that PWD approved the utility pole locations.

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 3-2-1 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco. Dan Ricker and Neil Anketell voted in opposition. Tom Koenig abstained.

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 (updated) State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
4. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
5. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
6. The applicant shall address the following comments from the Public Works Department:
 - a. The proposed means of stabilizing the cut slope has not been provided. The regulations call for a 3:1 slope and a 2:1 slope is being proposed without

benches etc.; therefore a certified professionally stamped letter along with the detail shall be provided to ensure that the slope proposed will not impact East Chamberlain Road.

- b. During the earth removal operations and until the slopes have been satisfactorily stabilized there shall be a detention area provided along the entire frontage of the property. The basin shall be designed to take the siltation that will occur from the slopes under heavy rain conditions. An overflow may be directed towards the existing Catch Basin. All precautions shall be taken to ensure that no siltation be allowed to enter Daniel Webster Highway. All drainage shall be directed towards the basin. A maintenance plan along with weekly stormwater reports shall be provided to Community Development. The basin shall be cleaned on a regular basis to ensure capacity.
 - c. Maintain the existing berm and paved swale along East Chamberlain Road until the proposed slope has been stabilized.
 - d. On East Chamberlain the area between the paved swale outlet and the intersection with Daniel Webster Highway shall be made to drain to the detention area.
7. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
 8. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
 9. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall add a Planning Board signature block to the plan for "Chair" and "Vice Chair" per the Board's current structure;

Staff also recommends that the following general and subsequent conditions be 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.
- 5. Mark Rivet (applicant/owner)** — Continued review for consideration of a site plan for the construction of a 1,920 s.f. garage and function room addition and associated site improvements. The parcels are located at 425 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation, Flood Hazard Conservation, Elderly Housing and Town Center Overlay Districts. Tax Map 5D -4, Lots 077 &

078. This item is continued from the September 4, October 2, November 13 & December 18, 2018, and January 8, 2019, meetings.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, has no objections to peer review and staff comments. The State granted a permit to work in the wetlands. PWD had comments about drainage which still need to be addressed. Chad Branon has no objection and will discuss them with PWD. Storm water runoff would be infiltrated to mitigate the impervious area.

Alastair Millns was concerned about the slope (see Condition 9.g). Chad Branon said the basins to catch runoff are in a low point in the parking area. No runoff can go over the pavement from there. Chad Branon said his interpretation of the PWD comment is that they want to be sure there is enough capacity to catch the runoff. Chad Branon will work with PWD about the locations of the catch basins. An overflow pipe goes to rip rap at the edge of the parking area. The system was designed for a 50-year storm. The State has reviewed the plan.

Nelson Disco noted PWD's comment that it is not connected to an adequate filtration system. He is concerned that the infiltration basins would be too close to each other. Chad Branon replied that his interpretation is that PWD wants the basins to be located where they would capture all runoff. The 8% slope ends at the lowest spot; runoff cannot go by the catch basin. Mr. Branon stated he received PWD's letter today. In Chad Branon's opinion, this is not a big issue and can be worked out with PWD. He stated the grates are adequate to accept storm water flow from the parking area.

Nelson Disco asked about the timber fence in the rear parking lot. Chad Branon explained that the plan was revised after peer review and the December 18, 2018, meeting. The Planning Board requested a barrier at the edge of the parking lot on the abutting lot to prevent people from driving over the edge. The plans now show a proposed timber (or equivalent) guard rail along the length of the parking lot along the perimeter of the parking area. There would be a temporary silt fence. The drainage design worked in simulations. Chad Branon said one basin could be moved or the pavement could be raised. He reiterated he will work it out with PWD.

Mark Rivet, Owner, Rivet Funeral Home & Crematorium, said the stairway and side entry that were used for emergencies would now be an entry into the building rather than have people walk around the building. Tom Koenig suggested paths from the parking lots to the building so people would not have to walk across a parking lot. Chairman Best suggested marking the pavement to show people where to go from the new parking lot. Mark Rivet said he has ordered signs for parking. He can put some to show people where to enter and he always has an employee waiting outside to guide people during functions.

There was no public comment.

Chad Branon will submit formal lighting and landscaping waiver requests.

A waiver from the landscaping requirement is sought because the majority of the site is developed. The site is already landscaped in front along D.W. Highway. There is

shrubbery next to the building. No buffer is needed. Producing a landscaping plan would be a financial hardship. Chairman Best wanted a landscape plan, even though it would be developed in back.

Alastair Millns cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 6-0-0 to grant a waiver from the requirements of Section 10 – Landscaping – of the Site Plan Regulations - on a motion made by Alastair Millns and seconded by Neil Anketell.

A waiver from the lighting requirement is sought because the majority of the site is developed. Accent lighting and lights mounted on the building are ample. There would be no change in the parking areas; the existing lighting would be maintained. Lights on the walkway to the funeral home would be installed in the new overflow parking area. There would be no more pole lights. The parking area far to the back is fairly dark. This is not a commercial lot with an intense use; there is no safety hazard. Producing a lighting plan would be a financial hardship. Chairman Best said wall pack lights would not influence the new parking lot. Nelson Disco agreed that a lighting waiver could not be granted without data. Chairman Best suggested that, if the applicant agrees to install lights, a lighting plan would not be necessary and a waiver could be granted. The Board requested at least three overhead lights be installed on the perimeter of the rear parking area and that a detail of those lighting structures be provided instead of a full lighting plan. Neil Anketell said he would like the lights to be used only when needed and not on all night. Mark Rivet said all existing lights are turned off manually when not in use and he would do the same with the overhead lights. Nelson Disco suggested a note on the plan that lights would stay on only as needed. (See Condition #3). Chad Branon agreed to install three down-cast lights in the rear along the perimeter of the new parking lot.

Alastair Millns cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 4-1-1 to conditionally grant a waiver from the requirements of Section 11 – Outdoor Lighting Standards – of the Site Plan Regulations - on a motion made by Alastair Millns and seconded by Neil Anketell. Dan Ricker voted in opposition. Nelson Disco abstained.

The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Tom Koenig.

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.

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 as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. All waivers granted (including Section and date granted) and all changes requested by the Planning Board listed below shall be listed and fully described on the final plan:
 - a. Provide at least three overhead lights on the perimeter of the proposed rear parking area;
 - b. Provide a detail sheet of the overhead light structure;
 - c. Provide a lighting plan sheet for the overhead lights installed in the proposed rear parking area;
 - d. Add a note to the plan stating the overhead lights on the perimeter of the rear parking area will only be used as needed;
4. Add notes describing all prior relief granted by the Zoning Board of Adjustment:
 - a. Variance to permit additions to an existing structure to encroach into the front setback; Special Exception to permit the construction of a function hall facility in support of an existing funeral home in the Town Center Overlay District;
5. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
6. The applicant shall address the comments from the town's peer review consultant, CLD/Fuss & O'Neill, as applicable, including any forthcoming comments resulting from review of the final plans for Planning Board signatures;
7. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
8. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
9. The applicant shall address the following comments from the Public Works Department:
 - a. There will be 2 added parking spaces in the front of the parking lot at the entrance to Lot 77. This area was not included in the proposed drainage calculations;
 - b. The catch basins along the street line do not have any rim or invert elevations, pipes sizes, types or slopes and they don't show how they are connected;
 - c. There should be construction bags placed in the existing catch basin on Daniel Webster Highway;

- d. No details have been shown on the plans for the existing Leaching Catch Basin shown as #2632 (i.e. depth, size, inverts, etc.?). The OP2 within the Stormwater Report only has the Summary for a Link OP2 and not all of the information as shown for P101 Leaching Catch Basins;
 - e. In the summary table on page 3 of the Stormwater report more information should be expanded to shown additional values such are the areas and any information regarding the 50 year storms;
 - f. Is there going to be any grass swale or berm off the edge of the pavement to provide for some treatment of the existing pavement (shown as Subcatchment 102S)? This would be for treatment verses storage;
 - g. The proposed parking lot in the rear is graded for an 8% grade. At this grade the drainage will run right past the leaching catch basins the way that the site is graded. There isn't any type of a berm designed to catch any of the runoff and it will all go directly into the river without being treated or proper storage. The site is graded to have the runoff head towards the outlet of the leaching catch basins. There is no treatment proposed around the edge of the proposed parking lot. There is nothing to have the runoff go into the leaching catch basins;
 - h. A note shall be added to the plan that all maintenance and repair of drainage improvements on the site are the responsibility of the owner and shall not become the responsibility of the Town;
 - i. Applicant shall revise Note 12 to include along the existing right-of- way, per Town of Merrimack Subdivision Regulations, Section 4.06.1.i;
 - j. No snow storage areas have been proposed as part of this plan. It has been brought to my attention that in the past all of the snow is removed from the parking lot and pushed out into the street for the Town to dispose of. This will not be continued. The snow has to be stored on site and removed at the owner's expense if it exceeds the area designated. This shall be noted on the plans;
10. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
11. The applicant shall address the following Planning Staff technical comments:
- a. Revise Sheet 3, Note 2 to reflect the purpose of the site plan;
 - b. The former lot line is also a zoning line, and the difference zoning districts need to be shown on the plans;
 - c. Revise Sheet 3, Note 4 to include mention of the I-1 (Industrial) District;
 - d. Revise Sheet 3, Proposed Note J to include the Shoreland Impact Permit that was issued on July 6, 2018;

- e. Sheet 3 – Proposed Notes shall be incorporated into and numbered under the primary “Notes” section;
- f. Revise Sheet 3, Note 13 to reference water service as being from Merrimack Village District;
- g. Total square footage of disturbed area should be noted on the plans in order to allow staff to determine the applicability of Town Code Chapter 167.

Staff also recommends that the following general and subsequent conditions be 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. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the building.

6. John Flatley Company (applicant) & Gilbert Crossing, LLC & John J. Flatley (owners) – Review for consideration of an amendment to a previously approved Mixed Use Development Conditional Use Permit. The parcels are located at 645, 673, 685, 703, and 707 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05, and 003-06. **This item is continued from the January 8, 2019, meeting.**

Robert Best recused himself from discussing and voting on this item. Alastair Millns assumed the chair.

At the January 8, 2018, meeting, the applicant requested that the Planning Board amend the Conditional Use Permit (CUP) approval to remove the requirement for a vehicular and pedestrian connection to the proposed second phase (commercial development located just south of the Saint Gobain driveway, as was conceptually presented to the Board in November 2018) of the mixed-use project. Community Development staff determined that the development agreement and 2014 conditions of approval for the mixed-use development **require** that this connection be made as part of the second phase of the project as currently approved. Staff recommends that the request for an amendment to the approved CUP be denied or withdrawn.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, reported that Kevin Walker, Project Manager, John Flatley Company, met with Fire Marshal John Manuele about options for access to the residential component and evaluated the cost of constructing a 2,300' road. John Flatley is willing to construct a pedestrian connection and a secondary access to the residential component, but not a vehicular connection. It would

be a huge investment considering the length of road and number of tenants. Kevin Walker said Flatley is going to do significant work on D.W. Highway: add three lanes to the north, a left turn at Webster Green, a right turn to the site, a through way to D.W. Highway at the center, and a left lane into the site at significant cost. The work on D.W. Highway is required. The cost of the proposed road would "break the project". The traffic study was done including the improvements listed above but without projecting a connection and found no significant traffic impact. The applicant is stuck on how best to go forward. There are several options, but he does not want to remove the possibility of a big box building. The water line for the apartments would be connected to D.W. Highway in the spring. The improvements would keep traffic flowing. The applicant has "reached the breaking point". Flatley has already put in a lot of work on the apartments and will do more on D.W. Highway.

Alastair Millns suggested moving the big box slightly east and moving the residential and commercial development so he would not have to build a road, although he doubted the site would ever attract a big box. Kevin Walker would consider it, but cautioned about the wetland, culvert and pond.

Nelson Disco asked whether Kevin Walker discussed a temporary gravel pedestrian way with John Flatley. Kevin Walker said he spoke to John Flatley and to management about several options, including both what the Planning Board wants and what the Fire Marshal wants.

Fire Marshal John Manuele said the Fire Department wants a second emergency access and egress at all large developments. This site is limited by what is around the development. The issue is accessing the fifth apartment building. A connection to D.W. Highway in a remote location would satisfy the Fire Department but not the CUP. Crossing the St. Gobain property is not acceptable. If the fifth apartment building were not erected, the Fire Department's requirement for a secondary road would not be necessary.

Tom Koenig reiterated that the Planning Board always assumed connectivity as part of the CUP. A gravel pedestrian road is the minimum the Planning Board would accept. Kevin Walker said the retail could be placed elsewhere without the need for a connection and asked why he should build a road if the buildings might be flipped later.

Neil Anketell said the applicant should follow the original CUP; the Planning Board is adamant about vehicular and pedestrian connectivity. According to staff, despite the "if applicable" language in the development agreement, the decision letter's conditions of approval from the CUP require both the pedestrian and vehicular connection. Period. There is no "if applicable" language in the decision letter. The entire 2,300' would not have to be torn up later, just a small section of it. Nelson Disco and Dan Ricker agreed. Neil Anketell would accept another type of road, not necessarily a "town standard" road, but not a gravel road either. For him, a commercial driveway style would be an acceptable compromise.

There was no public comment.

Kevin Walker wanted time to discuss a different layout with his office.

At the applicant's request, the Board voted 6-0-0 to continue this item to February 19, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Nelson Disco and seconded by Tom Koenig.

- 7. RCL Realty, LLC (applicant/owner)** – Conceptual discussion of a series of potential lot mergers that would merge 9 existing lots of record into 5 lots. The parcels are located at 21 Elizabeth Drive, 19 Elizabeth Drive, 17 Elizabeth Drive, 15 Elizabeth Drive, 11 Elizabeth Drive, 4 Squires Drive, 14 Elizabeth Drive, 18 Elizabeth Drive, and 7 Charles Road in the R-1 (by soils) and R-2 (Residential) Districts. Tax Map 3A, Lots 010, 011, 012, 013, 014, 015, 025, 026, and 027. Case# PB2019-03.

Alastair Millns relinquished the chair. Robert Best resumed the chair.

Brent Cole, Keach-Nordstrom Associates, Inc., presented the history of the parcels. The previously approved 1969 project was not feasible and these parcels which are part of Normandy Estates were never built. The applicant wants to merge nine parcels into five. Proposed Lot 14 would be accessed from the end of Elizabeth Drive, *via* a proposed turnaround to help the Town during winter maintenance activities and allow a truck safely to turn around within the right-of-way. A driveway would be extended from Elizabeth Drive within the existing right-of-way of Charles Road and Elizabeth Drive to access the remaining four parcels. A turnaround is proposed at the end of the driveway. Additional site improvements include municipal water connections, private on-site septic systems and storm water management provisions. Since the existing terrain is not favorable to constructing a roadway meeting current Town standards and regulations, the applicant proposes to reduce the total number of lots available in order better to comply with the regulations while reasonably developing the land. Frontage variances are needed from the Zoning Board of Adjustment (ZBA).

Chairman Best said a voluntary lot merger does not need Planning Board approval, but he is concerned about the long, steep shared driveway. Brent Cole said the driveway would have a 10% slope and would meet Town standards. Meeting Town standards has always been the issue.

Rob Lavoie, Owner, RCL Realty, LLC, said there would be a home owners association, but he could not say whether it would take responsibility for maintaining the driveway.

Brent Cole showed the fire hydrant locations. He did not know whether they would be private. The Fire Department wanted the turnaround. Chairman Best said the Fire Department would not come onto a private drive with private hydrants.

Chairman Best said that a long, private driveway for only four lots and infrastructure maintained by informal agreement means a private road might not be maintained properly. Alastair Millns agreed that, if the applicant builds it to Town standards, he could later ask the Town to take it over. Nelson Disco opined that rough terrain and steep slopes make it difficult to build 8%-10% driveway slopes. The ground would have to be leveled for Canton soils. It would not be an advantage for the Town to get stuck with something like this later. Chairman Best said the applicant must find a level spot

near the intersection for a "landing spot". It is not sensible to put roads on the steepest part of the property. A 40'+ drop in bad weather means a car would not stop at the bottom in ice and snow. The steep section at Charles Road is difficult. The applicant should treat the site as a green field development, as though starting from scratch. There is no frontage on a Class 5 or better road meaning Town Council approval would also be needed in order to build on these lots per RSA 674:41. Brent Cole replied that Public Works requested the applicant to continue the grade of Charles Road so that there is no drop off at the bottom and it would continue to be a Class 6 road. Tom Koenig suggested either discontinuing the road or making it a driveway.

Brent Cole said private septic systems would be installed, but he did not know where. Chairman Best instructed him to make test pits. Perhaps more lots should be contemplated, since it would be very costly for just four property owners to provide maintenance and people do not always get along well. Brent Cole countered that a homeowners association is the trend now. Chairman Best said with so few lots, owners must do everything themselves. A lot can go wrong.

- 8. Underwood Engineers (applicant) and Merrimack Village District (owner) –** Non-binding public hearing under RSA 674:54 to review a proposed water treatment facility. The parcel is located at 31 Front Street in the R (Residential), I-1 (Industrial), Planned Residential Development Overlay and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 006. Case# PB2019-04.

The Planning Board does not have the authority to approve or deny the project. Although it may offer constructive commentary or suggestions, the applicant is not obligated to adhere to them.

Peter Pitsas, Project Manager, Underwood Engineers, is working with Merrimack Village District (MVD) to build a water treatment plant at 31 Front Street. Wells 4 and 5 were contaminated by the St. Gobain site and are off-line. The new plant would be 34' x 86'. The Well 5 building and perhaps the Well 4 building would be removed and the wells would be converted to a submersible pump. Because the turnaround would not support the equipment, a loop road would be constructed for large tanker trucks that would liquefy the media and pump it out. The road would slide slightly north. Either a sewer would be added for a bathroom and to backwash the new media or there would be an on-site infiltration lagoon. Peter Pitsas described how the new media would be treated with both options. Contaminated water would not be put into the ground. The paved road (some of it is gravel) would have an 8%-10% slope at the top. There would be Fire Department access on three sides of the building and a generator, LP tanks and an area for possible additional treatment in back. The plant could treat 870 gallons a minute, but would probably treat 650. St. Gobain would pay some of the cost. The plant would be checked daily. There would be a manual gated entry at the plant and at the gravel pit, and fences around each well and around the entire area. Peter Pitsas did not know whether the 2-3 1,000-gallon propane tanks for the stand-by generator would be buried.

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

Neil Anketell noted that the sidewalk in front of Vault Storage on D.W. Highway is not being maintained; there is snow on the gravel section today. Chairman Best suggested filing a Service Request Form so the Community Development Department can determine whether conditions of approval are met and to take appropriate action. Nelson Disco recalled that Vault Storage was going to maintain the sidewalk, but the Planning Board approved an amendment to build another building and moved the sidewalk into the Town right-of-way. Since the applicant abandoned that plan, the original plan to install barriers, pave and keep the sidewalk clear should be enforced. Barriers did not appear on the signed plan.

Tom Koenig stated that Town Council would hold a budget hearing on January 23, 2019. The Planning Board had urged paying the \$23,000 NH Municipal Association (NHMA) dues, but most departments do not get value from it and only go to a few conferences. It is more useful for small communities that do not have the departments and services that Merrimack does. Town Council is unwilling even if it might be possible to pay \$11,000 in dues. The Council feels that joining the Nashua Regional Planning Council (NRPC) is more valuable. Nelson Disco said that NHMA's classes are available and valuable to Board members. When Chairman Best spoke to NHMA about legislative advocacy regarding HB 104 (proposed alternate land use appeals board), he was disappointed that they did not take a position.

10. Approval of Minutes — January 8, 2019

The minutes of January 8, 2019, were accepted as submitted, by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Dan Ricker.

11. Adjourn

The meeting was adjourned at 9:54 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.