



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

TUESDAY, JULY 19, 2016

Planning Board members present: Robert Best, Alastair Millns, Bill Boyd (arrived 7:07), Desirea Falt, Michael Redding, and Alternates Nelson Disco and Jeff Sebring.

Planning Board members absent: Lynn Christensen and Vincent Russo.

Staff present: Community Development Director Tim Thompson, 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 Jeff Sebring to sit for Vincent Russo and Lynn Christensen, respectively.

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

Joseph Mitchell, Esquire (applicant) and Nikolaos Doulamis (owner) seek a waiver to convert a single-family residence into a multi-family residential building. Cellco Partnership dba Verizon Wireless c/o McLane Middleton, P.A. (applicant) and Merrimack Village District (owner) propose to construct a new telecommunications tower on a parcel owned by MVD off Turkey Hill Road. Staff recommends that the Board determine that neither project is of regional impact.

**The Board voted 6-0-0 to determine that Doulamis and Verizon Wireless site plans are not of regional impact, on a motion made by Alastair Millns and seconded by Desirea Falt.**

Bill Boyd arrived at 7:07 p.m.

Tim Thompson reported that he received a fax from an abutter stating his intent to potentially appeal the Board's June 21, 2016, approval of the Woodspring Hotel lot subdivision because of concerns about the parking easement and lack of communication with the applicant. Chairman Best and Nelson Disco recalled that the applicant had represented that he had spoken to the abutter.

Alastair Millns reported that the car wash near the old Shaw's has reverted to the previous banner signs. Jillian Harris stated that a second violation notice was sent. Chairman Best added that there seems to be a used car business on the site.

**3. Chad E. Branon, P.E. of Fieldstone Land Consultants for Red Oak Property Management, Inc. (applicant) and Turkey Hill Road 136 Trust (owner) –** Continued review for acceptance and consideration of Final Approval for a subdivision of one lot into two lots. The parcel is located at 136 Turkey Hill Road in

the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 386. **This agenda item is continued from the June 7, 2016 meeting.**

Tim Thompson reminded the Board that this item was continued because of the lot size for the non-conforming existing apartment buildings, and the lack of current boundary survey. The applicant has now created sufficient lot area (725,000 square feet) to be compliant with the original zoning requirements and allowing them to retain their legal non-conforming status. He has also done a wetland field delineation and a boundary survey to verify existing conditions within the property.

Chris Guida, Certified Wetland and Soil Scientist, Fieldstone Land Consultants, LLC, said he has addressed staff comments. The subdivision will have a septic system, and be served by municipal water.

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 Jeff Sebring.**

Nelson Disco asked whether the plans referenced in Note 10 (horizontal orientation and vertical data) must still be recorded at the Registry of Deeds. Tim Thompson explained that they need not because the information has now been provided on the plan. However the note should remain on the plan.

Noting that the road is on the public sewer, Nelson Disco asked whether there must be a connection. Tim Thompson explained that the house is beyond the 200' required to connect. The sewer is not actually in the road or the Town right-of-way, but rather cross-country in that area of Turkey Hill.

Nelson Disco noted proximity to the side wetland setback and asked if the wetland boundaries were flagged. Chris Guida said that was done and there is no driveway encroachment. Tim Thompson said the house could be built anywhere on the site. A certified foundation plan will be submitted to the Building Department.

Michael Redding suggested making a condition of approval that the no-disturb wetland buffer be marked with orange construction fencing.

Chris Guida said the Merrimack Conservation Commission (MCC) had no issues at its July 18, 2016, meeting. Tim Thompson explained that is because a two-lot subdivision would have limited impact. Chris Guida said it is a fairly extensive forested wetland/wildlife habitat with a distinct boundary.

Bill Boyd asked about the driveway slope, which Tim Thompson said complies and would be reviewed as part of the application for a Driveway Permit.

#### **Public comment**

Derrick Muse, 3 Vanden Road, asked whether the property could be subdivided again at a later date. Chairman Best thought it unlikely to be usable because there are so many wetlands and little accessibility. Tim Thompson doubted that the NH Department

of Environmental Services (DES) would approve a development because of the wetlands. Derrick Muse asked about the effect on wildlife. Chairman Best explained the regulations.

The applicant seeks a sidewalk waiver because this is a minor subdivision with no adjacent sidewalks anywhere near the site and any future connection to Turkey Hill Road is unlikely.

**The Board voted 7-0-0 that a sidewalk waiver is not necessary, on a motion made by Alastair Millns and seconded by Bill Boyd.**

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 conditions, on a motion made by Alastair Millns and seconded by Bill Boyd.**

1. Final plans and mylars shall 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 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 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. Due to the length of the new proposed driveway on lot 4C-386-1 which is over 300 feet in length, it must also meet the above standard, as well as maintaining a minimum clear width of 16 feet throughout its length and having an acceptable Fire Apparatus Turn around area at the far end of the driveway. (NFPA 1, Chapter 18);
7. The applicant shall address the following comments from the Public Works Department:
  - a. A note should be added indicating any work within the public right of way requires a permit from the Highway Division of Public Works;

- b. The driveway apron is to be paved from the connection at Turkey Hill road to the property line;
  - c. The property line offset from the centerline of Turkey Hill Road should be examined by the designer to confirm that there is at least 25' from CL to property line; should that distance not exist, a ROW easement or dedication to the town should be granted;
  - d. Property bounds should be found or set (concrete/granite bounds) at all locations specified in the subdivision regulations along the Turkey Hill Road frontage;
- 8. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
  - 9. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
  - 10. The applicant shall address any forthcoming comments from the Police Department, as applicable;
  - 11. The applicant shall address the following Planning Staff Technical Comments:
    - a. The applicant should provide appropriate details for water connection to the lot per the typical requirements of MVD;
    - b. Portions of the proposed driveway encroach within the wetland setback. The Planning Board and Conservation Commission should consider this as part of their review of the subdivision;
    - c. Because the property is in the Aquifer Conservation District, the Conservation Commission must provide recommendations to the Planning Board per the requirements of the Zoning Ordinance.

General and Subsequent Conditions

- 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 (Highway Division) for the proposed new driveway;
- 4. The new lot created by this subdivision shall have the following addresses assigned: Lot 4C-386-1 shall be # 134 Turkey Hill Road;
- 5. The applicant shall utilize orange construction fencing (or an alternative method as determined satisfactory to the Town) delineating the limits of the wetland no-disturb buffer during construction of the driveway and home on the proposed lot.

- 4. Joseph Mitchell, Esquire (applicant) and Nikolaos Doulamis (owner)** — Review for acceptance and consideration of a waiver of full site plan to convert a single family residence to a multi-family residence. The parcel is located at 565 D.W. Highway in the C-1 (Limited Commercial), Aquifer Conservation District, Elderly Housing Overlay Districts, and Wellhead Protection Area. Tax Map 6D-1, Lot 123.

Because his attorney was unable to attend the public hearing, Nikolas Doulamis requested a continuance.

**At the applicant's request, this item was continued to August 2, 2016, at 7:00 p.m., in the Matthew Thornton Meeting Room, by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Bill Boyd.**

- 5. Cellco Partnership dba Verizon Wireless c/o McLane Middleton, P.A. (applicant) and Merrimack Village District (owner)** — Review for acceptance and consideration of Final Approval for a site plan to construct a Telecommunications tower. The parcel is located off of Turkey Hill Road in the R (Residential) District. Tax Map 5C, Lot 004.

Bill Boyd recused himself from discussing and acting on this item.

Jillian Harris said the applicant proposes a 100' high monopine (camouflaged as a pine tree) tower within the fenced perimeter of the property on a 10'x12' concrete pad. At its May 25, 2016, meeting, the Zoning Board of Adjustment (ZBA) granted a Special Exception for the proposed tower within the (R) Residential District. The applicant is allowed a lesser setback where applicable building codes and certified and stamped building construction plans are met and reviewed by the Town's structural engineer.

Attorney Victor Manoukian, McLane Middleton, P.A., said the applicant has satisfied Condition #11 (Staff Technical Comments). He explained that, in the worst case storm, the tower would collapse on itself and stay mostly on the property. A waiver is sought because there is no room for a 100' "fall zone" on the parcel. The tower would fall on unbuildable property. A monopole works in this setting because, at a distance it blends into the natural staggered tree line. There would be a small (10'x12') pad at the base with equipment on it shielded by a fence. Access would be from Turkey Hill Road to a gate. A parking waiver is sought because there would be two visits a month maximum to check the equipment. The site is unmanned; there would be no heavy traffic. No parking spaces are needed.

Michael Redding asked whether there is space enough for access for construction equipment and precautions against potential erosion. Derek Creaser, Engineer, Hudson Design Group, said a 25'x25' foundation and 10'x16' for equipment are needed, meaning 200-300 square foot excavation. The disturbed land would be refilled and reseeded and the slope at the base leveled. There would be a 3' retaining wall. Cranes would erect equipment in two 50' segments, which would take one day to install. The existing driveway is adequate. A 25' access easement is proposed.

Michael Redding asked how to prevent a diesel generator leak. Derek Creaser described the plan. A 2<sup>nd</sup> containment unit could be added. The generator would be

small: 3'x3' and 4' high. Noise would be minimal: 55 decibels, like a home generator. Equipment is much smaller now. The generator is for power failures.

Michael Redding asked about safeguards to prevent the tower from falling on the MVD water tank. Derek Creaser said it is not designed to fall, but to withstand a minimum hurricane wind speed of 90 miles per hour (mph). One cannot describe what would happen to the tank. The tower is designed to current (2014) TIA codes. Michael Redding asked whether the structural integrity of the tank would be compromised and wanted data showing that would not happen. Tim Thompson explained that, at these wind speeds, the tank would be damaged anyway and before the tower would be. He added that he feels a fall zone is an outdated regulatory idea. Derek Creaser said that monopine towers that fell were larger and built years ago with a different design. They are no longer designed with fall zones in mind but for much more of a disaster than the tank is.

Attorney Manoukian said it would take a devastating storm to cause the tower to fall. The Merrimack Village District (MVD) made the applicant completely responsible for maintaining and repairing the tower. Tim Thompson added that there has been a significant increase in cell tower safety and sturdiness. Derek Creaser said codes constantly change. Monopines typically fell at the base plate because the welding rusted. New codes require gusset plates, making that nearly impossible.

Alastair Millns preferred the looks of an internal mount monopole. Attorney Manoukian agreed the monopine is ugly, but repeated that it would blend in better in this setting. He showed the Board a photo of how it would look. Tim Thompson agreed that a 100' tall monopine tower would work, as it is not proposed to be internal mount.

Jeff Sebring asked about ice load. Derek Creaser said that, in winter it is designed for a 40 mph rather than 90 mph wind speed. All stress would be at the base. The tower will taper.

In answer to Nelson Disco, Tim Thompson said that photo simulations at various locations are available in the file.

Nelson Disco asked about other users. Attorney Manoukian said the tower could handle co-location/lease to other users. Four are available currently. Tim Thompson explained that State law no longer requires Town bonding and provides greatly expedited changes (e.g., increased height) without the need for Planning Board review.

In answer to Nelson Disco, Derek Creaser said there would be electric utility poles every 150', up the access drive to the tower.

Nelson Disco asked if there would be enough room to do reconstruction work. Derek Creaser noted the high bedrock quality; excavation would be neither large nor intrusive, but similar to a small home. There are 50' of clearance from the tank to the corner.

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 Nelson Disco.**

There was no public comment.

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 grant waivers from the requirements of Section 7.03 – Parking, Section 7.05.D.7 – Soil Types and Boundaries, Section 7.05.D.13 – Storm Water Drainage Plan, Section 7.05.D.14 – Engineering Calculations, Section 7.05.D.15 – Topography, Section 7.05.D.18 – Landscaped Areas, and Section 7.05.D.19 – Paved Pedestrian Way or Sidewalk, of the Site Plan Regulations, on a motion made by Alastair Millns and seconded by Jeff Sebring.**

Michael Redding asked what benefits the tower would provide the Town. Attorney Manoukian replied that it would address significant data capacity gaps in Merrimack's Town Center and enhance public safety. Residences and businesses would get better signals and some demand would be off-loaded from other towers.

Brian Ross, Verizon Consulting Group, explained the technical terms and maps.

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 conditions, on a motion made by Alastair Millns and seconded by Desirea Falt.**

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain all required Federal and 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) 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 indicate any proposed easements on the plan, as applicable, including utility and access easements. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
6. The applicant shall address the following comments from the Building Department, as applicable:

- a. Add notes to indicate all currently enforced fire safety, building and electrical codes to be utilized where building/tower construction takes place. A third party inspection and documentation of structures will be needed before final can be made available.
7. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
8. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
9. The applicant shall address any forthcoming comments from the Department of Public Works, as applicable;
10. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
11. The applicant shall address the following Planning Staff Technical Comments:
  - a. Applicant to note the special exception granted by the ZBA for this property;
  - b. Applicant to add a note per Section 7.05.D.16 of the Subdivision and Site Plan Regulations;
  - c. Applicant to revise parcel lot area noted on all sheets to the actual lot area per the reference plan (Assessors card will be updated to reflect actual lot area).

General and Subsequent Conditions

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 address the following comments from the Building Department, as applicable:
  - a. Most recently adopted building, fire safety, and electrical code requirements will be requested with building permit applications. An engineering report confirming capabilities of structures will be needed.
- 6. Eric C. Mitchell & Associates Inc. (applicant) and Charles Morgan (owner) —** Review for acceptance and consideration of Final Approval for a modification to a previously approved site plan to revise a sidewalk location and easement. The parcel is located at 526 D.W. Highway in the C-2 (Commercial) and Aquifer Conservation Districts, Wellhead Protection Area, 100-year and 500-year Flood Hazard Areas. Tax Map 5D-2, Lot 001.

Bill Boyd recused himself from discussing and acting on this item.



Jillian Harris said that, in order to avoid cutting down two large trees in the easement area, the applicant proposes to modify the location of the sidewalk easement along the northerly frontage in order to move the sidewalk behind the existing trees. The Public Works Department (PWD) recommends that the trees be cut to allow the sidewalk as originally approved because installing one near the existing trees poses maintenance issues from roots growing and disturbing the sidewalk and making it difficult for ADA concerns/tripping hazards. Widening the easement would allow the sidewalk to meander, making it more difficult to maintain in winter and potentially making future connections north of this parcel difficult if not brought back to the property line.

Eric C. Mitchell, Eric C. Mitchell & Associates, Inc., said the sidewalk would be 5'-10' away from where trees would grow. A 30' easement going through the trees is not necessary because the sidewalk could be put behind the two trees in question. Eric Mitchell proposes to go around them and keep the rest of the sidewalk as planned. Tim Thompson said the new information/plan makes everything clearer and is a better solution. Although the Board had granted the applicant a sidewalk waiver, he offered to install a sidewalk.

Nelson Disco asked whether the 90° turns could be angled. Eric Mitchell replied that they have already been striped on the driveway, although it is possible to change them.

The Board instructed the applicant to redo the striping and eliminate 90° turns.

Chairman Best complimented the applicant on submitting a new and clearer plan.

### **Public comment**

Finlay Rothhaus, 14 Kittredge Lane, expressed his appreciation to the applicant for keeping the trees.

Bob McCabe, 30 Wilson Hill Road, wanted the trees to remain in order to shade and cool the Farmer's Market. They are in good shape and retaining them would be a benefit.

Staff recommends that the trees be cut and stumped so the sidewalk can be placed in the easement area as previously approved by the Board.

**The Board voted 6-0-0 to grant final approval, with the following conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made by Alastair Millns and seconded by Jeff Sebring.**

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 indicate the updated easements on the plan, as directed by the Board at the hearing (eliminate 90 degree turns and revise per discussion). A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);

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

- a. Note 8 to be revised to state “Approved with conditions June 2, 2015.” Conditions to be indented under Note 8 to read a) Cross-walk striping will be placed across driveways and striping to extend along paved area of the frontage to delineate the walkway; b. Snow will be removed in a timely manner from the sidewalk easement area at the owner’s expense; c) A 5’ wide reclaimed asphalt pavement sidewalk will be placed and maintained by the owner within the sidewalk easement area from the northerly property line to the crosswalk area of the northerly driveway;
- b. Proposed sidewalk location within the easement area should be depicted on the plans.

General and Subsequent Conditions

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.

**7. Meridian Land Services, Inc., North View Homes & Development, Inc., & Bernstein, Shur, Sawyer & Nelson, P.A. (applicants) and Greenfield Management, LLC. (owners)** – Review for acceptance and consideration of Final Approval for a 66-lot cluster subdivision on four lots (originally part of the Greenfield Farms subdivision) located on Wire Road and Whispering Pines Lane in the R-1 (Residential) and Aquifer Conservation Districts and the 100-year Flood Hazard Area. Tax Map 7C, Lots 28, 30, 40 & 40-1.

Bill Boyd returned to the Board.

Tim Thompson said that, since the April 19, 2106, preliminary hearing, the applicant refined the project design and submitted a full set of plans and information. Due to CLD’s involvement with the design team on this project and per the Planning Board on April 19, 2016, Keach-Nordstrom Associates is serving as the Town’s peer review consultant on this project. Staff has not yet received their peer review comments.

Ken Clinton, President, Meridian Land Services, Inc, said a lot line adjustment on the 130 acre property would be done first with the Swensons, reducing their lot to a conventional 7.48 acre lot with an individual septic system. No new structures would be erected on that parcel, which would be separate from the cluster subdivision. After the lot line adjustment, the rest of the property would be consolidated into 124.63 acres that yields a cluster of 66 lots. 50% (62 acres) of open space are required; 80% (100 acres) would be provided.

Nelson Disco asked how the lot would intersect with Merrett Road. Ken Clinton noted that it is a “paper street” that intersects the lot or open space. It is not intended as access to that lot and has no function or value. It was left from the 2007 and 2009 plans that were neither completed nor approved. Public roads are proposed. There would be

six cul-de-sacs off the through road and three open space lots. One open space lot of 8.79 acres would be conveyed to the Town as a gift for recreation or a community garden. The 8.8 acre open lot on the south, which is under a transmission line, would be open conservation space and left undisturbed. The third open space lot of 82.5 acres has wetlands, Baboosic Brook and diverse habitat. The open space would be mixed passive recreation with public access and use of Baboosic Brook and would be kept in its natural state.

Alastair Millns asked about access to the Baboosic Brook, which Ken Clinton said would be general public access on the north and homeowner access on the south. There would be three different types of open areas. Michael Redding stated that preserving the upland area would benefit the environment. Nelson Disco and Alastair Millns wanted access to the open space for the residential development as an amenity. Chairman Best disagreed, stating that it is not an amenity; rather it is open space as it is in nature. The Ordinance speaks only of “open” space. Ken Clinton added that the Ordinance does not mention that it must be “accessible” (although it would be.) Tim Thompson read out the main purpose of a cluster subdivision, which is “to promote conservation of the natural environment in harmony with the natural features of the land”.

Ken Clinton said the land has a very flat footprint with sand and gravel on the plateau. Three infiltration basins would collect and treat rainwater and put it back into the ground. The impact would be reasonable. He awaits Alteration of Terrain (AOT) comments.

One area would be maintained as a recreation area/gathering place with grass and 1-2 picnic tables. Eversource approves using the gravel road under its easement as a public road.

Ken Clinton asked Traffic Engineer Steve Pernaw to update his traffic reports of 2007 and 2009. His memo of June 22, 2016, concludes that the increase to area roads does not pose enough safety concerns to require off-site improvements.

Ken Clinton sent PWD photos of staining at Brenda and Blair Roads due to drainage issues.

At its July 18, 2016, meeting, MCC was concerned that some lots near the top of the Baboosic Brook slope might encroach on open space and deposit yard debris. There should be no compost in the open space. Ken Clinton will research DES best management practices to include as a paragraph in the homeowner association document. Michael Redding suggested that the MCC’s concern is phosphorous from lawn cuttings getting into the water, but compost could be controlled.

Ken Clinton is awaiting Keach-Nordstrom peer review comments. He said there would be no wetland impact whatsoever. He will need Alteration of Terrain and Sewer Discharge Permits from the State.

Bill Boyd wanted a full traffic report. Tim Thompson said it would most likely not provide additional analysis. Volume is not an issue and speed is an enforcement issue. Chairman Best said the applicant must prove his traffic would not make the current situation worse. Tim Thompson added that the traffic update concludes that an

increase of 72 vehicle trips during the worst case weekday p.m. peak hour period has no impact on the level of service. Wire Road can handle it. Bill Boyd requested that Steve Pernaw be asked to name the level of service.

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 Nelson Disco and seconded by Desirea Falt.**

Ken Clinton seeks a waiver from the requirement of a negative 2% slope where two roads intersect. That is meant to prevent drainage from flowing onto other roads and to make a level plateau for cars to stop. He wants to retain the negative 1½% slope. The requirement would make the road steeper. The Planning Board wanted to wait for Keach Nordstrom's opinion.

Alastair Millns and Chairman Best questioned Condition 7.I. to eliminate stop signs and stop bars at intersecting roads. Tim Thompson said that PWD Director Kyle Fox's reasoning is that per the MUTCD, volume is too low to justify long-term maintenance costs. Ken Clinton said he intends to place stop signs at all intersections.

#### **Public comment**

Paul Pelsinski, 132 Wire Road, disagreed that there could be kayaking on Baboosic Brook because underwater hazards are too dangerous. It is just a pull-off for fishing. He said that, although Jason Drive has little traffic and only four houses, it has a stop sign, which is useful for visitors. Traffic on Wire Road is at an all-time low because Wallace Road is closed.

Phil Knotts, 127 Wire Road, noted that a toll booth was removed and traffic from Bedford increased on Wire Road since the 2007 traffic study. Straightening Wallace Road will also increase traffic. School buses make it worse in the morning, but the update addressed only the p.m. peak hours. There is no sight line at the ridge. Ken Clinton showed Phil Knotts where MVD water would potentially loop and the proposed storm water drainage.

Richard Comeau, 18 Whispering Pines Lane, asked who would repave the street after the sewer is installed. Chairman Best said someone would, although it is not known who. Not much of the road would be affected. Richard Comeau's concern is that the road is falling apart. His catch basin has water in it. He cannot use his driveway in winter because everything comes down from the road to his yard. Richard Comeau mentioned taking down some trees. He wants the ones on his property marked to be sure they are not cut down. Chairman Best said the applicant has no right to cut anyone else's trees.

Rhianne Berrigan, 4 Bryant Circle, asked what benefit the project would afford the Town. Chairman Best explained that a private property owner has the right to do something without benefiting the Town. If a site plan meets the standards, a property owner is entitled to Planning Board approval. Rhianne Berrigan asked about the effect of 66 new homes on the water supply in light of the water ban. Tim Thompson

explained that MVD would have to supply a letter stating that it can provide the service required. Chairman Best said that could be a condition of approval. If MVD cannot provide the service, there would be no approval. Rhianne Berrigan objected to so many large projects in town.

Richard Pero, 2 Bryant Circle, asked whether the infiltration basins would always be full of water. Ken Clinton explained that infiltration basins are not designed to hold water but to infiltrate, collect and return water to the ground. There would be some water in the basins in a 100-year storm before it goes back into the ground. All development would be on top of the slope. Richard Pero was also concerned about traffic, opining that there would be more when Wallace Road reopens. Chairman Best agreed, but stated that the subdivision would not be the cause of the increase.

Bill Hebel, 153 Wire Road, said the infiltration basin at the gravel pit would be 30'-35' above his home and asked where the water would go. He wanted his well to be protected. Chairman Best said water would not likely go to that property. There is a lot of room below ground for water to infiltrate. The peer review of drainage will be publicly available. Ken Clinton said water would go down and laterally. There would be a spillway for surface relief directly away from the Hebel lot. DES will review drainage as part of the Alteration of Terrain Permit. There must be no impact to abutters.

Richard Pero reminded the Planning Board that it wanted to do a site walk.

**The Board voted 7-0-0 to schedule a site walk for August 27, 2016, at 8:00 a.m., on a motion made by Alastair Millns and seconded by Bill Boyd.**

Staff recommends that the Board continue the application to a date certain agreeable to the applicant and the Board so that peer review comments can be received and to allow the applicant an opportunity to address them as well as staff comments.

**The Board voted 7-0-0 to continue this item to September 6, 2016, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Bill Boyd and seconded by Alastair Millns.**

- 8. Public Hearing – Zoning Ordinance Amendments** – The Planning Board will conduct a public hearing to consider recommended amendments to Section 2.02.1 and Section 17 of the Merrimack Zoning Ordinance, pursuant to RSA 675:6 and 675:7.

**This item was continued to August 2, 2016, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Bill Boyd and seconded by Desirea Falt.**

- 9. Zoning Ordinance Amendments Workshop** – “Redevelopment Overlay” for underutilized parcels.

**This item was postponed to August 2, 2016**

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

**The Board voted 7-0-0 to reduce the Windy Hollow Circle road bond to \$86,737.88, on a motion made by Bill Boyd and seconded by Alastair Millns.**

**11. Approval of Minutes – June 7 & June 21, 2016**

**The minutes of June 7, 2016, were approved, with changes, by a vote of 6-0-1, on a motion made by Desirea Falt and seconded by Jeff Sebring. Bill Boyd abstained.**

**The minutes of June 21, 2016, were approved, as submitted, by a vote of 6-0-1, on a motion made by Alastair Millns and seconded by Desirea Falt. Bill Boyd abstained.**

**12. Adjourn**

**The meeting was adjourned at 10:18 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Bill Boyd.**