



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, JUNE 20, 2017

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Desirea Falt, and Alternate Nelson Disco.

Planning Board members absent: Michael Redding, Vincent Russo and Alternate Paul McLaughlin.

Staff present: Assistant Planner Robert Price 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 to sit for Vincent Russo.

2. Planning & Zoning Administrator's Report

The Board voted 6-0-0 to determine that the Land of Goshen Subdivision Plan, Cavanaugh and Vachon lot line adjustment, and New Hampshire Hydraulics site plan are not of regional impact, on a motion made by Alastair Millns and seconded by Lynn Christensen.

3. **Edgebrook Heights, LLC, Wigston Properties, LLC and Q. Peter Nash 1987 Rev. Trust I (co-applicants/co-owners)** — Continued request for consideration of re-instatement/extension of final approval of an application for a Conditional Use Permit to permit a future mixed-use development consisting of retail, office, multi-family residential and assisted living. Parcels are located at # 1, 37, 39, 55 and an unnumbered parcel, D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 1E, Lots 004-01 & 004-02 and Tax Map 2E, Lots 006-02, 007 & 008. ***This item is continued from the May 16, 2017 Planning Board meeting.***

At the applicant's request, the Board voted to table this item indefinitely, by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.

4. **KNA Associates, Inc. and Charles H. Hazen (applicants) and Richard P. and Juliana D. Hazen (owners)** — Review for acceptance and consideration of final approval of a Lot Line Adjustment and Subdivision Plan for a five parcel minor subdivision. The parcels are located at 90 & 94 Wilson Hill Road in the R-1 (Residential) and Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 4B, Lots 114 and 114-02. ***This item is continued from the May 16, 2017 Planning Board meeting.***

Robert Price informed the Board that the Public Works Department (PWD) answered all its questions from the May 16, 2017, meeting. The Planning Board must determine whether the driveway for Lot 114, which encroaches the wetland setback area, is essential to the productive use of the land or whether it needs a Special Exception from the Zoning Board of Adjustment (ZBA).

Brent Cole, Project Engineer, KNA Associates, Inc., explained that, if the driveway is deemed essential to the productive use of the land, then the applicant does not need a Special Exception. Wilson Hill Road was always going to be the access. There is adequate land. The 3:1 slope makes access from Upham Road costly and unachievable. There would be no impact to the wetland. A single-family home must have access, which is an essential use.

Deputy PWD Director Dawn Tuomala answered the Board's questions as follows: 1) A hammerhead is better suited for the area than a cul-de-sac, but it should be adjusted for length and width along with adequate turning radii on the curves. The applicant will use the same turnabout that is on Old Blood Road. 2) Under Shoreland laws, gravel is treated the same as impervious pavement. PWD is fine keeping Upham Road as gravel. Disturbed areas will be brought to the Town's gravel base standards. 3) Flow is going through the culvert, which is not completely blocked. 4) The applicant can achieve a 3' cover for a HDPE pipe. Only one house and a driveway will add to the flow that goes into the pipe; the second house is on the other side of the road and would not impact the culvert. 5) The 3:1 slope on the west side and the 2:1 slope on the east side are both fine with the new headwalls. 6) A waiver for the side slopes is acceptable, but it should not include the right-of-way width.

The applicant will revise the plans to address all PWD comments and will replace the culvert.

The applicant seeks a waiver from the roadway standards at the culvert. The Souhegan River Local Advisory Committee (SoRLAC) recommends that, if a culvert must be placed to cross the wet area, it should be a larger size open box culvert to allow animals to traverse the area along the wetland more naturally. Brent Cole alleged that would require extensive fill and is not necessary because the 36' pipe is adequate. A box culvert could possibly add more drainage and is not intended for smaller uses.

Nelson Disco asked about a connection between the two wetlands and whether there should be a culvert under the proposed driveway for Lot 114. He agreed that an open box culvert is overkill. Brent Cole said there would likely be a culvert. Although he does not know what a future homeowner would do, PWD would probably recommend one.

Robert Best noted the expensive and difficult access from Upham Road. A driveway between the two wetlands is an essential use. Brent Cole said he would cut trees within the right-of-way to increase the sight distance, as PWD requests.

SoRLAC recommends contacting the Merrimack Historical Society or Heritage Commission to see if the immediate area and stone walls where the wetland drains into the River should be preserved and protected. Brent Cole does not intend to remove the stone wall, which has been with the Hazen family for a long time.

Lynn Christensen and Tom Koenig said the driveway is essential because there is no other placement option and it is the only viable access. Robert Price read the Ordinance about permitted uses in the Wetlands Conservation District. Staff had not determined before whether a driveway falls into this category. Lynn Christensen said it is essential, since the Ordinance speaks about "access ways". Brent Cole said there are existing and proposed easements for the hammerhead. He will make the exact hammerhead model that Dawn Tuomala used on Old Blood Road. It would be graded at the ditch, so there would be no storm water on the turnaround. Snow would go into the ditch and drain to the wetland before going into the Souhegan River.

There was no public comment.

The Board voted 6-0-0 that the driveway for proposed Lot 114 is essential to the productive use of the parcel and can encroach the wetland buffer, on a motion made by Alastair Millns and seconded by Desirea Falt.

Chairman Best summed up that PWD has confirmed that it is satisfied with a hammerhead design, water flows through the culvert and a new culvert would not add to the drainage.

Nelson Disco suggested precedent Condition 9: Final hammerhead configuration to be reviewed and approved by both the Public Works Department and Fire Department, with written concurrence from both provided to the Community Development Department prior to plan signature.

Desirea Falt 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 waive the requirements of Section 4.18.b of the Subdivision and Site Plan Regulations – Right-of Way Work - on a motion made by Desirea Falt and seconded by Alastair Millns.

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 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, Shoreland 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 the following comment 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. (NFPA 1, Chapter 18) The existing access road is a class 5 road named Upham Road. An approved fire department turn around (cul-de-sac, hammerhead or tee) is required. The plan does not show an adequate turn around configuration.
6. The applicant shall address the following comments from the Conservation Commission, as applicable;
 - a. The Commission recommends that only no phosphate, slow release nitrogen fertilizers be used. The Commission further recommends that the applicants utilize a soil testing facility to determine what levels and applications rates are necessary prior to applying any fertilizes to the site. The Commission is opposed to using the current formulations as noted on the site plans;
 - b. The Commission recommends that the word "hay" be removed and the word "straw" be used in its place everywhere in the plans;
 - c. The Commission recommends the use of native plantings for all new greenscape designs;
 - d. The Commission recommends that all wildflower seedling mixes are free of known invasive species;
7. The applicant shall address the following comments from the Public Works Department:
 - a. Under Section 4.12.1 Provision for Future Widening or Upgrading of Streets, both Wilson Hill Road and Upham Road should be required to have at least 25 feet from the center line of the existing town road. Wilson Hill Road is considered a Collector Street;
 - b. Proposed driveway locations have not been shown on the plans. The proposed driveways should be shown along with a plan and profile showing that the proper sight distance can be obtained. Driveways are to conform to section 4.13.1;
 - c. In addition to note 17 on sheet 1, the existing 15" RCP on Upham Road shall be entirely replaced and not just extended and the headwalls constructed at the outlets;
 - d. Under section 4.18(a) all monuments shall be placed at all street intersections, points of curves and angle points. Monuments shall be 4" by 4", concrete or

- granite bound markers. This should also include the easement turnaround area;
- e. Under section 4.06.1(r) and section 4.20 a paved pedestrian way or sidewalk is to be constructed along all existing collector streets providing frontage to any lot or common area in a subdivision unless the requirement is waived (sections 4.20.6 and 4.20.7);
 - f. The turnaround area at the end of Upham Road should be able to accommodate the turning radii of a snow plow and a fire truck;
 - g. A drainage easement area should be given to the Town on proposed lot 4B-114 at the existing road culvert to allow the Town to maintain and replacement of the culvert in the future when the need arises;
 - h. "Sight Distance Plan & Profile, Hazen Property, Map 4B Lots 114 & 114-2, 90 & 94 Wilson Hill Road, Merrimack, New Hampshire" Dated April 3, 2017; Prepared by Keach-Nordstrom Associates, Inc:
 - i. The location of the sight distance lines should originate from a point that is 10 feet behind the edge of pavement or gravel. All of the sight distance plans have the origination shown at the pavement line. The existing grade line should then be modified as needed;
 - ii. All sight lines should be shown at a point 3.75 feet above the ground surface or the proposed ground surface instead of 3.5 feet that is presently shown. The proposed driveway elevations should be shown and then a point 3.75 feet above the proposed grade should be used to determine the sight line;
 - iii. There should be a note on all of the plans stating that the sight lines shall remain clear during all seasons;
 - iv. A driveway construction note and detail should be added to the plans stating that the proposed driveway entrance construction shall conform to Section 4.13.1 under the Roadway and Utility Standards and that a Right of Way (ROW) permit will be required at the time of construction;
 - v. All of the land between the existing and the proposed ROW shall be dedicated to the Town of Merrimack for Public Highway purposes;
 - vi. On the sight distance plan for Map 4B Lot 114 the sight distance line to the east all of the trees and brush shall be removed from the sight line. In order to obtain the sight distance line to the west, trees will need to be removed as well as a section of the stone wall, slope, trees and brush;
 - vii. On the sight distance plan for Map 4B Lot 114-7, the driveway should either be moved to obtain the sight distance in both directions or if it to remain as shown, the stone wall and slope will need to be removed in the section that is obstructing the sight line to the south;

- viii. On the sight distance plan for Map 4B Lot 114-9, the sight line to the north shall be graded to be able to obtain the sight distance around the curve in the road.
8. The applicant shall address the following Planning Staff Technical Comments:
- a. Proposed area of parcels after subdivision should be included in Note 2, Sheet 1 for clarification;
 - b. Applicant to verify with the Building Department if building permits should have been issued for existing sheds on Parcel 114-2;
 - i. If so, prior to final plan approval, the sheds located within setbacks should be relocated entirely out of the setback and provide confirmation to the Community Development Department that this was completed; or
 - ii. Seek the necessary Zoning relief for their present location.
 - c. A note regarding the requirements of the Stormwater Management Ordinance should be added to Sheet 1;
 - d. Note 8, Sheet 1 should include Base Flood Elevation (BFE) data per Section 4.05.j.1(b);
 - e. Sheet 3 depicts a stone retaining wall within the 25' non-disturbance wetland buffer. Applicant should clarify if this is existing or proposed and if proposed, seek a special exception for the undertaking of a use not otherwise permitted in the Wetland Conservation District per Section 2.02.7.A.4 of the Zoning Ordinance;
 - f. Planning Board approval blocks should include signatures for the Chair and Vice Chair and are not needed on sheets 5-7;
 - g. Applicant to clarify on Sheet 9 what type of impervious surface is proposed for the turnaround area;
9. Final hammerhead configuration to be reviewed and approved by both the Public Works Department and Fire Department, with written concurrence from both provided to the Community Development Department prior to plan signature.

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. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways;
4. The applicant shall address the following comments from the Conservation Commission, as applicable:
 - a. The existing culvert is blocked and holding back enough water that it created a state recognized vernal pool. An environmental assessment of this pool by TES Environmental Consultants, LLC, revealed the presence of amphibian egg masses. The Commission will be reviewing the Wetlands Permit and requesting that the replacement of this culvert is performed after the seasonal cycle of this pool has ended. Typically, this is expected to be sometime in July;
5. The applicant shall address the following comments from the Fire Department, as applicable:
 - a. Due to the creation of 2 new lots on this road the current single family home located on lot 4B-114-8 shall be re- numbered from 90 Wilson Hill Road to 23 Upham Road;
 - b. The new lots created by this subdivision shall have the following addresses assigned:
 - A, Lot 4B-114 shall be # 98 Wilson Hill Road
 - B, Lot 4 -114-7 shall be # 11 Upham Road
 - C, Lot 4B-114- 9 shall be # 16 Upham Road
 - D, Lot 4B-114-8 shall be # 23 Upham Road
6. The applicant shall address the following comments from the Building Department:
 - a. The project shall comply with all ICC Building, Fire and Life Safety Codes adopted by the State of New Hampshire, including all amendments;
 - b. Submit a complete building permit application, provide the job location, indicate the scope of work, proposed use and estimated construction value;
 - c. All plans and construction documents shall be submitted with the application and available for code compliance review, prior to the Pre-Construction Meeting with Community Development.
- 5. William Lastowka (applicant) and Land of Goshen, LLC. (owner) — Review for acceptance and consideration of final approval of a Subdivision Plan for a twelve lot cluster subdivision. The parcel is located at 6 Watkins Road in the R-1 (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 4C, Lot 449.**

The applicants have requested a continuance to allow them time to provide Merrimack Village District (MVD) elevations as part of their datum, so they can evaluate water pressures for each proposed home.

At the applicant's request, this item was continued to July 18, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.

6. Scott & Renee Cavanaugh and Eleanorose Vachon (applicant/owners) —
Review for acceptance and consideration of final approval of a lot line adjustment. The parcels are located at 20 Greenleaf Street and 9 Cramer Hill Road in the R (Residential) District. Tax Map 2A, Lots 042 and 042-022.

Robert Price explained that a variance is required to permit Lot 41-22 to be created through the lot line adjustment with less than 250' of frontage. The applicant must also provide information to determine whether a variance is needed if Lot 42 is determined to be R-2 by soils.

Paul Chisolm, KNA Associates, Inc., said Cramer Hill Road is significantly higher than Greenleaf Street. A lot line adjustment would provide frontage for Lot 41-22's driveway. There is a 15'-wide pedestrian easement next to Lot 42 that replaces Old Kings Highway. No walking trails go to Cramer Hill Road. The house would be in the middle of the parcels. Nelson Disco explained that the easement is an alternative walking path that replaces Old Kings Highway. Neither lot was ever built on, so the trail is still there. Paul Chisolm said he would not rebuild the trail until he is ready to build the house. It would not change. He will work with the Community Development Department to see if it is demarcated for the public. If it is not, Chairman Best said that it does not functionally exist. He recommended a trail marker and to report the research to the Board. Tom Koenig said the intent was to make it accessible to the public.

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 Desirea Falt.

Public comment

Chairman Best read a letter from Robert Luhrs, 17 Cramer Hill Road, who has concerns about changes that might impact the historic Old Kings Highway. He urged the Town to recognize and enforce homeowners' rights-of-way and to oppose any lot line changes that would negatively impact the public use or historic nature of this Colonial-era road.

Buyer Chris Paine and Paul Chisolm showed where the footprint of the home would be. The driveways would cross the easement, which was swapped for Old Kings Road. The Board added Subsequent Condition #4: the limits of the public pedestrian easement shall be defined on the ground by a Licensed Land Surveyor.

Paul Chisolm said the new driveway would avoid steep slopes. The Board cautioned him not to affect the Eden property.

Robert Best reported that Planning and Zoning Administrator Jillian Harris determined that the double-fronted lot does not require relief from the ZBA. Chairman Best

suggested Condition #5: that creating access to Cramer Hill Road from Lot 42-22 is prohibited;

Nelson Disco was loath to have the Planning Board approve plans conditional on ZBA approval.

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 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 provide lot size calculations to verify the Zoning District (R-1, R-2, or R-3) of the reconfigured lots to ensure that they comply with the dimensional requirements of the Zoning Ordinance;
3. The applicant shall obtain relief from the Zoning Board of Adjustment, as needed, for creation of the lot (Lot 42-22), or both lots (including lot 42 depending on the Zoning District it is determined to be in, see precedent condition #2), with less than the required frontage;
4. The applicant shall update note #3 on Sheet 1 to indicate the frontage and area provided by both of the reconfigured lots (only the zoning requirement is currently indicated in the note);
5. Applicant to note on the plan that creating access to Cramer Hill Road from Lot 42-22 is prohibited;
6. The applicant shall address the following comments from the Public Works Department, as applicable:
 - a. Page 1, note 7, in addition to the driveway plan and profile add an all season safe sight distance plan and profile which shall be prepared and stamped by a licensed professional engineer. Both plans must be reviewed and approved by the Department of Public Works;
 - b. All driveway entrance construction shall conform to Section 4.13.1 under the Roadway and Utility Standards and shall be referenced on the plans in a note and/or detail;
 - c. There shall be a note added to the plan that any work within the Public Right of Way (ROW) will require a Right of Way permit from the Highway Division of Public Works.

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. The applicant shall obtain right-of-way permits from the Public Works Department for any work associated with the driveways or within the roadway rights-of-way;
3. The applicant shall address any comments from the Fire Department (related to property addressing), as applicable.
4. Prior to the issuance of a Certificate of Occupancy for either Map 2A, Lot 42-22 or Map 2A, Lot 42, the limits of the public pedestrian easement shall be defined on the ground by a Licensed Land Surveyor in accordance with Sheet 1, Note 9 of the originally approved subdivision plan (Community Development Department Plan #1155A). For quick reference, the note reads:

This plat depicts a series of nine iron pins, which are to be set in order to define the limits of the public pedestrian easement shown hereon. All nine of these pins shall be set by a licensed land surveyor prior to the issuance of a certificate of occupancy for either lot 2A/42-22 or lot 2A/4.

- 7. New Hampshire Hydraulics, Inc. (applicant) and Tamyj, Inc. (owner) —** Review for acceptance and consideration of final approval of site plan review for a 9,600 sf addition. The parcel is located at 3 Columbia Circle in the I-1 (Industrial) and Aquifer Conservation and Elderly Overlay Districts. Tax Map 4D-3, Lots 025 and 026.

Jason Lopez, KNA Associates, Inc., said the applicant is proposing to consolidate both lots and to construct a 9,600 square foot addition to the existing 10,200 square foot building along with associated site improvements on 1.3 acres with 400' of frontage on Columbia Circle. The front is for office space and the rear would be for maintenance. This is the only business on the property. The business is a pickup and delivery service that repairs all things hydraulic. It is not retail, where many customers go in and out. There are many exterior racks currently on site. More interior storage and a better way in and out of the site are needed. A spill prevention plan is in place. Documents will be updated. The sheds would remain rather than be removed. The applicant will work with the Fire Department about where to place them. Larger parking spaces would be created for trailers. There are 30 employees on site and 10 on the road. There would be an indoor drop off area for materials. Whereas 35 parking spaces are required, 43 would be provided, including two for the handicapped. Most of the addition would be for storage, warehousing and prep work before doing the maintenance work in the shop. All water and drainage go to the rear to the infiltration pond and oil-grit separator. The applicant wants to separate off-site runoff from work zone runoff with yard and roof drains into a closed system going to a swale, a pipe and to an infiltration basin/pond.

There is a drainage maintenance program. These are substantial improvements to the drainage system that will increase efficiency and reduce grease.

A lighting plan would be provided. There is no need to waive the 200' façade requirement, since the building would be 165' long with the office bump-out.

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 Desirea Falt and seconded by Nelson Disco.

Jason Lopez said the final plan is not complete. He showed where the doors would be. The buildings would be connected internally. The proposal is to create a wider work zone for each piece of equipment. There would be no floor drains.

Chairman Best instructed the applicant to show the interior traffic pattern on the plan.

Anthony Halvatzes, New Hampshire Hydraulics, Inc., said his site discharges to the Town sewer system. Every six months, Town personnel conduct an on-site inspection of their steam-cleaning operation and oil-grit separator as well as take water samples. He said the steam-cleaning process is where the grit, grease and oils are generated. He said the Town is also assisting him in generating a plan similar to a SWPPP (stormwater pollution prevention plan). Jason Lopez said that, since the site discharges to the Town's sewer system, the Town is asking the applicant to formalize a written plan that will ensure that their ultimate discharge to the sewer system will keep the Town compliant with its Federal permitting requirements.

The proposed addition will sit within the front setback in order to match the 25' high steel prefab pitched roofline with the existing building. That requires a 2' front setback variance when the applicant appears before the ZBA on June 28, 2017. Used oil of the new type is stored in a shed in back in two 55-gallon drums. A little is used to test equipment. Lacquer-based spray paint is applied in a paint booth for air handling. The Fire Department inspects the sprinkler system, which will be expanded into the addition.

Robert Price said that CLD is reviewing the drainage. Jason Lopez said runoff would decrease and the pond size would increase by 40%. The runoff goes into infiltration. A little runoff goes to Columbia Circle and Route 3, but there would be no modifications in that area.

There would be no pole lights, only two wall packs on the side of the building and two in front. There are cameras around the building. There would be downcast lighting. A lighting plan will be provided.

Chairman Best informed the Board of the Merrimack Conservation Commission (MCC) recommendations (Condition #8.a.)

Anthony Halvatzes said that most of what is outside will go into the buildings. Components are recycled and sold. He needs room to refurbish equipment.

Public comment

Robert Langis, 8 Oak Street, urged keeping the retaining wall.

Deborah Chartier, 22 Pheasant Run, did not want the hill to be removed and asked if there would be more water in back of her property. Chairman Best said the applicant cannot put water onto her property. If it is well drained, it would go right into the ground. Jason Lopez said he would expand the retaining wall and remove the fill area. He would move the wall back to the tree line 40' off the fence line. It would not be closer than the existing wall and would pull away from the Langis property. More water would go to the infiltration area, which would be larger than required to accommodate increased development on the property.

The applicant seeks a sidewalk waiver on Columbia Circle.

Nelson Disco 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 waive the requirements of Section 7.05(D)(19) – Sidewalks - of the Non-Residential Site Plan Regulations, on a motion made by Nelson Disco and seconded by Desirea Falt.

The Board voted 6-0-0 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 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 a front setback variance for the proposed addition from the Zoning Board of Adjustment and include note of such with date granted on the final plan;
3. Documentation of the lot merger shall be provided to the Community Development Department;
4. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
5. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
6. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
7. The applicant shall address any forthcoming comments from the town's peer review consultant, CLD, as applicable;

8. The applicant shall address the following comments from the Conservation Commission, as applicable;
 - a. The Commission recommended that the plans be updated to specify a fertilizer mix. In the Aquifer Conservation District the Commission recommends only no phosphate, slow release nitrogen fertilizers be used. The Commission further levels and applications rates are necessary prior to applying any fertilizes to the site;
 - b. The Commission recommended the applicant remove all references to the invasive species depicted on the original site plans and research the use of native plantings for all new greenscape designs;
 - c. The Commission recommended that all references to the use of Hay during construction be changed to Straw.
9. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
10. The applicant shall address the following comments from the Public Works Department, as applicable:
 - a. A note shall be added to the plans that any work to be performed within the Right of Way (ROW) shall have a ROW permit from the Highway Division of Public Works;
 - b. Section 7.05 D(19) states that all commercial/industrial non-residential site plans shall provide for a paved pedestrian way or sidewalk along all existing or proposed streets;
 - c. Under Section 4.16 (c) The statement certifying that Section 4.16 has been followed for the Storm Drainage System shall be added to the plan. The Stormwater Management Standards in the Town of Merrimack Code, Chapter 167 shall also be followed;
 - d. The catch basin that is at the existing entrance should be protected during construction since the construction trucks will be entering and leaving from this point and any runoff will be flowing directly to this point;
11. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
12. The applicant shall address any forthcoming comments from the Police Department, as applicable;
13. Applicant to provide a site lighting plan;
14. Applicant to obtain Fire Department approval for the proposed relocation of the two existing sheds on site. Written confirmation of such shall be provided to the Community Development Department;
15. The applicant shall address the following Planning Staff Technical Comments:

- a. Update the signature block to include Vice Chair as opposed to Secretary;
- b. Sheet 3, Note 5: Please remove reference to the site being included in the Residential District;
- c. Update plan notes on Sheets 1 and 3 to change "Elderly Zoning District" to "Elderly Housing Overlay District";
- d. Applicant shall add the following note to the plan:
 - i. In accordance with Chapter 167 of the Merrimack Town Code, prior to disturbance a Stormwater Management Plan shall be submitted to the Community Development Department for any tract(s) of land that results in a total disturbance of 20,000 or more square feet of land. In addition, the responsible party and its engineer or technical representative shall attend a mandatory pre-construction meeting with the Community Development Department and the Public Works Department at least two (2) weeks prior to commencement of disturbance;
- e. Correct the parking calculation on Sheet 3, Note 15 as follows:
 - i. Required parking for office area is 1 space per each 300 s.f.
 - ii. $1,200 \text{ s.f. office} \times 1 \text{ space}/300 \text{ sf} = 4 \text{ spaces}$
 - iii. Total spaces required = 35 spaces
- f. Include silt fencing in the legend on sheet 6;
- g. Locations of all monuments shall be shown in accordance with Section 4.06.1.i;
- h. Verify that the applicable landscape buffering requirements are met and accordingly shown and labeled on the plan or request relief from the Planning Board (waiver request from Section 10.01.4, in writing with justification), as necessary;

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. 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 addition;
3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;

4. The applicant shall address the following comments from the Building Department:
 - a. The project shall comply with all ICC Building, Fire and Life Safety Codes adopted by the State of New Hampshire, including all amendments;
 - b. Submit a complete building permit application provide the job location indicate the scope of work, proposed use and estimated construction value;
 - c. All plans and construction documents shall be submitted with the application and available for code compliance review, prior to the Pre-Construction Meeting with Community Development.

8. Discussion/possible action regarding other items of concern

The Planning Board agreed to the applicant's request to hold a preliminary design review discussion only about traffic before the Executive Park Drive project for multi-family residences is submitted for final approval. Escrow for the peer-reviewed study would be provided and the study completed and peer-reviewed before the discussion.

Nelson Disco reported that there is still no fence at Skip's Marine. Robert Price replied that the Community Development Department would contact Skip Moir; the six months to do the work are almost up and he knows what he must do. The front shrubbery must be trimmed because it impedes sight distance.

Nelson Disco reported the fence at Connell's was pushed down by a snow plow and should be fixed. Robert Price said that the Community Development Department would look into the matter and send a letter if warranted.

9. Approval of Minutes – June 6, 2017

The minutes of June 6, 2017, were approved, as amended, by a vote of 4-0-2, on a motion made by Lynn Christensen and seconded by Alastair Millns. Nelson Disco and Desirea Falt abstained.

10. Adjourn

The meeting was adjourned at 9:07 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.