



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MERRIMACK PLANNING BOARD**

**JUNE 4, 2019**

## **APPROVED MEETING MINUTES**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, June 4, 2019 at 7:02 p.m. in the Matthew Thornton Room.

Robert Best, Chairman presided:

Members of the Board Present: Alastair Millns, Vice Chairman  
Lynn Christensen  
Neil Anketell  
Nelson Disco, Alternate  
Councilor Bill Boyd

Members of the Board Absent: Dan Ricker

Also in Attendance: Robert Price, Planning and Zoning Administrator

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### **1. Call to Order**

The next meeting of the Planning Board will be conducted on June 18, 2019 at 7:00 p.m. in the Matthew Thornton Room.

Chairman Best appointed Nelson Disco to sit for the vacant full member position.

### **2. Planning & Zoning Administrator's Report - None**

### **3. Workshop Discussion with NRPC – Route 3 Bicycle/Pedestrian Plan**

Planning & Zoning Administrator Price remarked, at the last meeting, the Board requested he invite Matt Waitkins, Senior Transportation Planner, Nashua Regional Planning Commission (NRPC) to attend to provide an overview of the Route 3 Bicycle/Pedestrian Plan (Plan); efforts that have occurred over the past year.

Chairman Best spoke of the obligation imposed upon the Board, by the State, to consider adopting a town-wide pedestrian and bicycle plan if to continue to have sidewalks built on the State controlled portions of Daniel Webster Highway. The process has been lengthy, and involved the NRPC taking an inventory of some of the roads, existing sidewalks, and where it might make sense to increase them along that corridor. This is the first data gathering piece of an effort to make a town-wide pedestrian plan.

Mr. Waitkins provided a presentation. He spoke of the work of the NRPC noting it services 13 communities. Planning commissions were created by the State. Participation by communities is voluntary.

The NRPC does transportation, land use, and environmental planning. Some of the transportation planning includes a traffic counting program. They track volume and trends around the region for local communities, NHDOT, and Federal Highways. For smaller communities that don't have paid staff to do so, they aid the Planning Boards. The NRPC facilitates the hazardous waste collection process in the region. They are the Metropolitan Planning Organization (MPO) for the region. As such, they administer the Federal transportation planning process for the region.

The purpose of the project is to develop a bicycle and pedestrian plan for the D.W. Highway corridor; to build on previous planning efforts and to respond to the NHDOT request for a comprehensive, Town-endorsed, corridor sidewalk plan for the portions of D.W. Highway that are under their jurisdiction.

The corridor has discontinuous sidewalks and a lack of crosswalks. The most walkable segments of the corridor are where sidewalks and crosswalks exist. The conditions support only the most experienced bicyclists.

The scope is in phases. The first is to map the existing bicycle and pedestrian infrastructure along the corridor and the second to develop a corridor plan. Phase I was completed over a year ago. It included developing a base map from the data layers they have in their geographic data system database (includes a great deal of the corridor attributes) and staff surveying the corridor to verify the base map was accurate. The idea was to identify gaps in bicycle infrastructure. Also done was a level of traffic stress analysis. Once completed, NRPC appeared before the Board to obtain feedback on the map. The final map is complete. Examples were provided of the details included in the map, e.g., areas where sidewalk gaps were identified and have since been planned and funding identified.

Mr. Waitkins remarked the NRPC reviewed plans already developed in Merrimack, performed additional data development, solicited public input, and identified key issues along the corridor, and identified recommendations and priorities.

Phase 2, review of existing plans and documents, included a review of the Town Center Pedestrian and Trail Master Plan (developed in partnership between the NRPC and Town Council in 2009), the Master Plan (updated in 2013), the James Masticola Safe Routes to School Travel Plan (2013) and the NHDOT request for Comprehensive Sidewalk Plan (2013). All of the plans recommended improved bicycle and pedestrian amenities in the corridor.

The NHDOT is in favor of sidewalks and bike trails, but did not want to see them done haphazardly; wanted a more comprehensive and deliberate process and plan. They even suggested the Town retain the NRPC to develop that comprehensive plan.

In regard to data development, the NRPC identified gaps in the infrastructure along the corridor and developed pedestrian and bicycle level of traffic stress, which is basically the way of using the various attributes of the roadway to quantify how walkable or bikeable a segment of the roadway is. That is all a function of traffic speed, volume, lane width, presence of sidewalks, bike lanes, etc. The attributes in the database are used to inform that calculation.

The public input was gathered through a series of meetings at the Planning Board. Nelson Disco was the liaison. He and other staff met with the NRPC to discuss components of the plan. They also had meetings and communication with the Community Development Department and the Public Works Department (PWD) as well as the NHDOT.

Mr. Waitkins commented on the level of involvement with the NHDOT. At the onset, a discussion was had around the expectations for the plan. Councilor Boyd questioned what the expectations were. Mr. Waitkins stated the information relayed to him was that the plan should be a planning level document; that it could not go to the level of engineering improvements (future planning when individual projects come up). Relayed was to identify the gaps and where conditions were good and not good and put together a comprehensive plan wherein you try to identify priorities.

Councilor Boyd spoke of the Town's experiences with the NHDOT, e.g., anything that is put on paper, once outside urban compact, it is within the NHDOT's jurisdiction. For the NHDOT to say it is a planning level document within the urban compact that is great; anything outside the urban compact, all bets are off. Councilor Boyd stated an interest in understanding what the engineer's thinking was about the proposed corridor from Bedford to Nashua. Any impacts the NHDOT will have as it relates to running north/south, will have to go through Concord. You can't have a bicycle/pedestrian path that only runs from Bedford Road to Greeley Street. That would defeat the purpose of this particular corridor/doing the planning that was supported at the Town Council level to add an additional quality of life amenity to this community.

He suggested the NRPC seek some affirmation from the NHDOT that they will be supportive of what the community intends to do 5-10 years down the road in regard to developing such a corridor. He spoke of the impact this would have on future development in the area, and his belief getting NHDOT's buy-in, as it relates to the grand scheme of this, is critical.

Mr. Waitkins indicated they are seeking feedback from NHDOT and noted a statewide effort to do a statewide plan. The NHDOT has retained a consultant for that work. The NRPC has been involved.

The draft plan was provided to District 5 in January (feedback requested) and was followed-up on in March. During that time, Timothy Thompson, Director, Community Development Department, had requested feedback as well.

At last year's Town Meeting, surveys were conducted. Out of 3,000± voters, 239 responses were received; 195 believe sidewalks and/or bike lanes should be constructed along D.W. Highway, 23 believed they should not, 21 did not answer the question.

The survey requested participants rank certain segments of the corridor that need improvement. Top 3 ranked were to fill in between Town Hall and the Post Office on the west side, between town Hall to Merrimack Commons, and Watson Park to Twin Bridge Park.

The key issues identified are discontinuous sidewalks and lack of crosswalks limiting walkability and high-speed limits and narrow shoulder widths discourage casual bicyclists.

General recommendations include:

- Adopt a consistent roadway cross section that separates motor vehicles from vulnerable users
  - is urbanized and developed with speed limits above 30 mph
  - Mixing of motorized traffic with vulnerable road users is not the safest solution
  - Guidelines were proposed suggesting, whenever possible, to separate the two users out (see design guidelines & Appendix E)
  - Consider using these guidelines whenever a road segment is upgraded
- Planning Board should review subdivision and site plan regulations
  - Tie regulations to these recommendations
  - Sections 4.20 & 7.05.D.19
- Sidewalks (& side paths) should be required
  - High traffic volume and speeds require segregation of vulnerable users away from motorized Vehicles
- Travel Lanes & Shoulders

- 10 to 11-foot travel lanes where possible
- Use the additional shoulder width to accommodate bicycles
- Crosswalks
  - Existing crosswalks should be maintained and upgraded
  - New crosswalks should be added where noted
- Traffic calming
  - Where motor vehicle operating speeds exceed posted speed by at least 5 MPH
  - Speed studies to identify where traffic calming is needed

Identified Priorities:

- Link schools, library, Town Hall and parks (200 Town Center Plan)
- Bike-pedestrian amenities into future improvements at intersection of Wire Road and near the new Baboosic Brook Bridge
- Integrate Town Center with Reed's Ferry Village
- Non-urban compact north of Bedford Road
- Integrate south part of urban compact with Town Center
- Non-urban compact south of Greeley Street
- Various gaps to be addressed at a future date

Mr. Waitkins indicated the next steps to be for the Planning Board to set a date to adopt the corridor plan, inform NHDOT of intent to adopt (request feedback), Planning Board provide final comments to NRPC, NRPC incorporate all comments, and the Planning Board adopt corridor plan.

Chairman Best reiterated the need for input from the NHDOT understanding there is only so much that can be done to solicit that before moving forward. Based on the initial communication from NHDOT (2013), their thought was there should be a comprehensive plan, but were clear in various meetings following that, that they didn't particularly have a plan in mind, they just wanted there to be a comprehensive plan that meant something so that piecemeal construction was not taking place. As long as that goal is achieved, he believes it to be a low bar they are applying to this to be willing to move it forward. He stated his belief 80% or more of the plan is not within the State controlled area of Town.

He commented this has been ongoing since 2013. It is time to move it forward. He would like to see this approved during the summer months and to begin to see development of regulations that support the plan.

Member Disco stated agreement with the comments of the Chairman. He spoke of the numerous attempts to meet with District 5 for input, most of which did not receive response. He and Jay Minkarah, Executive Director, NRPC, spoke with the NHDOT Commissioner (March) informing her of the problem. She indicated she would look into it. He believes the project has gone as far as it can go without input from the NHDOT. He is of the belief that will not be forthcoming. He is supportive of moving this plan forward.

Councilor Boyd questioned if the Town requested feedback from the NHDOT, and was informed of the numerous attempts. Councilor Boyd requested the Community Development Department be asked to forward to him the chronology of outreach to the NHDOT. Chairman Best indicated that could be done.

Councilor Boyd requested the plan include the old Burgon property and library down to Baboosic Lake Road. Member Disco asked for clarification the request was for the area from the library going north, and stated that is within the plans and ties in with the Turnpike widening as that requires a new bridge on Wire Road. The desire is for sidewalks to be put on that bridge. Member Disco commented on having spoken of that desire at the hearing regarding the bridge. The response he received from the State was they would consider doing that on one side of the road. He had requested both sides. Chairman Best commented placing sidewalks on one side of a bridge just invites pedestrians to cross the road around the bridge. Member Disco spoke of extensive residential development on the west side of the Turnpike on both sides of the road.

Chairman Best commented what has been done is the Route 3 corridor. We are outside of that when getting up Wire Road towards the subdivisions and developments. The Board should talk about whether some of those things should be integrated into the plan. There is also discussion of gaps above Baboosic Lake Road as you go out towards Madeline Bennett Lane. Some parts of the plan could make priorities out of those sections in a town-wide plan.

Chairman Best requested the chronology requested by Councilor Boyd be provided him, that the intent of the Board to adopt (July/August timeframe) the plan be communicated to NHDOT (Director Thompson to compose and send), and that the Board place the item on the agenda for whichever of those meetings looks most suitable for being able to have the discussion.

**4. John Flatley Company (applicant) and Gilbert Crossing, LLC (owner)** – Continued review for consideration of an amendment to a previously approved site plan to include security gates and cameras at the entrance to the Gilbert Crossing multi-family development. The parcel is located at 3 Gilbert Drive in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lot 003-07. Case # PB201913. This item is continued from the May 7 and May 21, 2019 meetings.

*Robert Best recused himself.*

Chairman Best stepped down and Vice Chairman, Alastair Millns presided;

Kevin Walker, Project Manager, John Flatley Company, informed the Board that his company has held internal discussions about revising the CUP plan. In front of Saint-Gobain there is primarily industrial/warehouse/flex type buildings and to the left where the large big box is proposed, would be a smaller retail plaza. He commented this is something the Board wished to see from the start. Although not yet formalized, it is the plan moving forward. Mr. Walker stated his intent to speak with the Community Development Department the following day to determine what will need to occur to modify the CUP plan.

He stated his belief in terms of traffic with the warehouse uses in front of Saint-Gobain, they may be able to be rid of the other roadway that came out across from Webster Green. He believes traffic will be low enough for the intended uses that they should be able to utilize the Saint-Gobain entrance.

There will be the need to review the retail portion that was designed with the roadway on D.W. Highway. There was also a traffic signal. They will likely review that again to determine if the current proposed use would require it.

Mr. Walker pointed to the plan set and the colored building to the far right identifying it would be uses allowed in then I-1 District; supplementary to industrial uses, e.g., restaurants, offices. Everything from

Saint-Gobain to the north are uses already allowed in the I-1 District. To the south they would do the retail in a smaller scale than previous.

He questioned if the Board had any questions or comments prior to the plan being brought before the Community Development Department with the desire to come before the Board for a modification.

Vice Chairman Millns commented the revised plan represents a reasonably significant change to the CUP, and as such, he does not believe the Board should make any decision prior to a proper presentation on the CUP. He stated concern with the removal of the internal road.

Councilor Boyd noted the agenda item addresses discussion of the residential portion of the project. He stated agreement with the Vice Chairman regarding the Board receiving a more formal presentation. He suggested the discussion presently before the Board should be restricted to that of security gates and cameras.

With regard to the gates, the condition of approval was to ensure the residential portion will connect with other portions of the site. Mr. Walker stated the answer to the question of whether there would be connectivity is “yes”.

Vice Chairman Millns commented, at the last meeting, it was indicated the gates would be open during the day and would be located near the site office. In the evening hours the gates will operate as soon as vehicles come up against them. Mr. Walker stated, even when the gates are up, when the weight pad under the gate is triggered the cameras will take photos of cars coming in and out.

Vice Chairman Millns commented, the Board was asked to agree to the gates. The result of the vote at the last meeting was a tie, which is a failing vote. Mr. Walker has requested a second opportunity for consideration. He questioned the will of the Board.

Member Disco remarked what is being shown now is a different photo. The security gates voted on previously were in line with the previous configuration. The Board cannot consider this new configuration if not first agreeing to it.

Mr. Walker noted the gates would be in the same location. Member Disco remarked the new configuration has nothing to do with the gates. Vice Chairman Millns noted part of the concern expressed at the last meeting was that because the big box came between the residential units and the rest of the site, it was felt putting gates on it blocked the residential portion from everything else. With the current proposal, some of that question is addressed; retail and residential will be much closer together and given there are two accesses onto D.W. Highway. The question is, does the Board wish to permit the installation of gates.

Mr. Walker stated his belief they are allowed to install the gates as long as there is connection in and out of the apartment area at all times, and there is. There is going to be access in and out for any vehicle whatsoever, 24 hours/day, 7 days/week. He stated his opinion that is the only criteria the Board needs to look at.

It was noted the Board is looking at the request in light of the approved CUP (not what was handed out at the start of the discussion).

Member Christensen questioned if there is any reasoning why they should not be installed. Vice Chairman Millns stated he believed the concern was, because of the old configuration, the gates seemed to restrict the

connectivity of the site. Member Christensen commented she does not believe there is a reason to disallow the gates.

Member Disco suggested the Board review the staff memo from Director Thompson. Mr. Price noted the memo dated May 1<sup>st</sup> addressed language in the mixed-use CUP Ordinance. The Board needs to consider whether the language of the Ordinance, which requires the permanent interconnectivity of the CUP is being infringed upon by having gates, which could potentially restrict access for vehicles. The applicant's testimony is that the gates are pressure operated, could be opened at all times, but they will be open all day during the day. The Board needs to determine if their existence is enough to conflict with the language in the Ordinance because under the mixed-use CUP, the Planning Board has the right to make that distinction.

Member Christensen stated she does not see them restricting access. Member Anketell remarked the original CUP showed an access road behind all of the properties that would connect all of the retail further north. He asked for clarification this would not impact that, and was assured it would not. Member Anketell stated he does not see an issue with allowing it.

Vice Chairman Millns opened the floor for public comment.

Katie Poirier, 11 Kimberly Drive, Unit 21

Spoke of having reviewed the last meeting. She commented Mr. Walker references another project and the reasoning for the gate is because of that other project (located in Quincy). Mr. Poirier stated Merrimack is not Quincy, e.g., crime rate, aesthetics. She stated her understanding Route 3 is a road into Merrimack. Motorists will see the gate and question the safety of the community.

As a property owner having more to lose, she has never had an issue with security. She questioned why a gate that is easily opened would deter criminal activity.

Ashley Tenhave, 75 Shelburne Road

Commented on not fully understanding the security aspect if the gates are to remain open all day (highest traffic time). She questioned how this does not go against the interconnectivity of the CUP as it is putting up a barrier between Route 3, the residential and commercial aspect.

Member Anketell asked for clarification it is a gate going up at the main entrance outside of the clubhouse, and was informed that is correct. He noted it would not be put up on the connecting road behind it.

Katie Poirier, 11 Kimberly Drive, Unit 21

Stated there to have been an indication the desire was to eventually put one there.

Member Anketell stated he has not been made aware of that. Member Christensen noted that not to be part of this discussion.

Mr. Price noted that was mentioned by the applicant during the last meeting (Members Anketell and Christensen were not in attendance). It was not presented in the initial application and would have to be put before the Board for consideration. Currently, the only gate being considered is at the entrance.

Ashley Tenhave, 75 Shelburne Road



Reiterated it would be putting up a barrier between the start and end of the site.

Member Anketell clarified the location of the gate is at the main entrance that allows you onto D.W. Highway. Ms. Tenhave responded the main entrance will also be an access road from 1 part of Route 3 to retail as it is shown. Mr. Anketell stated his understanding there wouldn't be anything from the apartments to that retail.

Katie Poirier, 11 Kimberly Drive, Unit 21

Stated her belief this was not originally listed on the approved site plan. She questioned how this is able to be brought up. She suggested it is not a matter of unnecessary hardship. There are State guidelines for the waivers.

Member Christensen stated the request not to be that of a waiver.

Ms. Poirier stated the request to be for acceptance of a waiver. It was noted to be an amendment to the site plan.

Rick Foote, 129 Indian Rock Road

Remarked whether or not the gates are installed makes no difference. The project has been approved. He stated his belief the traffic study was a poor one. His only concern would be if cars were backed up waiting for the gate to open.

Councilor Boyd remarked the current CUP has two entrances. He questioned if it is possible to enter from the south and go through the entire property to come out on the entrance on the north. Vice Chairman Millns responded, on the currently approved CUP, it is. Councilor Boyd questioned, with a future presentation on the retail pad, is it conceivable that road would be eliminated so that you have two separate roads both going in and out. Mr. Walker responded "No, the residential will be connected definitely to the retail, and then, depending on how the discussion goes with the rest of the Board, we could connect it through to the buildings in front of Saint-Gobain." He stated his opinion with residential, retail, and small warehouses, there is no real connection between that.

Councilor Boyd asked for clarification there are three different ways to get in and out to get to the warehouse, the retail, and the residential, as presented, and was told there are currently four. Councilor Boyd spoke of having read the CUP as well as the minutes of the last meeting. His concern, as it relates to the spirit of the CUP, is the connectivity piece. As he sees it, retail is meant to be retail, warehouse is meant to be warehouse, etc. You could conceivably have people leaving Saint-Gobain, going to the retail, and coming in the back way (apartments) at 8:00 p.m. and exiting out, when the gate is down. Mr. Walker commented it is literally the longest route out of the site, but conceivable, it could.

Councilor Boyd remarked, at the end of the day, he does not have druthers about the gates themselves, but agrees the optics are horrible. The Ordinance is silent on this particular issue. When looking at what has been done over the past 8 years in the community as it relates to public safety, first responders, etc., it boggles the mind the applicant would consider putting in a gate when the community has had a strong and positive record of community policing. Although he is not pleased with it, there is nothing within the regulations that indicates a vote against.

Councilor Boyd remarked the optics alone is worthy of consideration, and requested that be taken under advisement. Member Christensen stated agreement with the remarks of Councilor Boyd. Mr. Walker stated he would convey the sentiments.

**MOTION BY MEMBER DISCO TO GRANT A WAIVER OF FULL SITE PLAN REVIEW NOTING STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP TO THE APPLICANT AND THE WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE REGULATIONS**  
**MOTION SECONDED BY MEMBER ANKETELL**  
**MOTION CARRIED**  
**5-0-0**

**MOTION MADE BY MEMBER DISCO TO GRANT FINAL APPROVAL, WITH THE FOLLOWING PRECEDENT CONDITIONS TO BE FULFILLED WITHIN 6 MONTHS AND PRIOR TO PLAN SIGNING, UNLESS OTHERWISE SPECIFIED:**

1. Final plans to be signed by all property owners;
2. Any waivers granted (including Section and date granted) and/or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
3. The applicant shall address the following conditions made by the Planning Board during the public hearing:
  - a. Entrance gates shall be maintained in the open position daily from dawn to dusk;
4. The applicant shall address the following Planning Staff Technical Comments:
  - a. The lot was subdivided in July 2018. The listed map and lot reference is no longer correct. It is now Map 6E, Lot 003-7.
  - b. The property owner identified on the plan is no longer accurate. It is now Gilbert Crossing, LLC.
  - c. Applicant shall add a signature block to the plan with space for signatures from the “Chair” and “Vice Chair” per the Board’s current structure;
  - d. Applicant shall add the following notes to the plan:
    - i. Plan purpose statement;
    - ii. The property is located in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts;
    - iii. The property is serviced by public water (MVD) and sewer;

**Staff also recommends that the following general and subsequent conditions be placed on the approval:**

1. All General & Subsequent Conditions of the original site plan approval shall remain in effect for this amended plan;

2. Operational details of the gates shall be reviewed and approved by the Fire Department (and Police Department, as applicable).

**MOTION SECONDED BY MEMBER CHRISTENSEN**

**MOTION CARRIED**

**3-1-1**

*Member Anketell voted in Opposition*

*Member Millns Abstained*

*Vice Chairman Millns stepped down and Chairman Best presided;*

5. **T&S Real Estate Holdings, LLC (applicant/owner)** – Review for acceptance and consideration of a site plan for modifications to the previously-approved site plan regarding parking and buffers. The parcel is located at 280 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation District. Tax Map 3D-2, Lot 11. Case #PB2019-18.

Mr. Price stated the applicant came before the Board in November 2018 to discuss a conceptual plan to correct some unpermitted parking expansion that had occurred on the site. Based on the Board's feedback, the applicant has been working to put together a formal site plan, which is why they are back before the Board.

Kevin Anderson, PE, Chief of Engineering, Meridian Land Services, Inc., stated the project was before the Board several months ago to discuss how to proceed with parking. In 2018, the applicant expanded parking on the site. To the rear of the property (area 1), he added approx. 6-8 parking spaces. On the side of the property, he added another 4 parking spaces, and paved an interconnection between his parcel and the abutting VFW building.

Unbeknownst to the owner, there were violations involved in that. To the rear, the buffer to the condo association was affected. On southerly side, it was an encroachment onto the abutting property and the northerly side is not an approved interconnection between the two properties.

His primary objective at the conceptual meeting was to try to find additional parking. A good deal of effort was put forward to prepare a parking agreement with the VFW, which was not successful.

Today, the issue is that of putting the site into compliance. There is an approved site plan from 1987 that looks identical to what the existing conditions were prior to the improvements made. To bring the site into compliance, the area in the back will have a buffer prepared incorporating a variety of plantings and a fence that complies with the Site Plan Regulations. That would allow for the retention of four new/additional parallel parking spaces. Catch basins and stone riprap that are encroaching onto the abutting property will be removed/cleaned up. The additional impervious area creates an increase in stormwater runoff. Proposed is a stone drip edge at the end of the proposed parallel parking spaces.

To the side, the section of pavement will be removed, and the area restored to its original state.

Mr. Anderson spoke of the buffering waiver submitted to the Community Development Department. A new application with a new building/new uses would require a buffer that meets the Regulation. Being proposed is that the area be brought back to its pre-approved 1987 plan. That plan identified the parking

access pretty close to the left property line. He does not have the room to put in a buffer. If a waiver is deemed necessary, it has been submitted.

The cut through to the VFW parking lot, which was paved, will have pavement removed and the area brought back to lawn.

With regard to the staff memo notes, he clarified, a buffer is being proposed to the rear, which is in accordance to the regulations, and, if necessary, a waiver request has been submitted for the left-hand side.

There was confusion regarding the stormwater analysis. The existing conditions utilized were in fact the 1987 approved plan. He viewed any increases in impervious as improvements and offset those through standard design procedures.

The staff memo identifies the need for waiver requests for soil types and boundaries, stormwater drainage plan, snow storage, a pedestrian sidewalk and outdoor lighting. Mr. Anderson reiterated he viewed the issue as that of compliance and not a new site plan. He did not submit waiver requests for those items. He commented he has no issue with conditions of approval include the addition of soil type and boundaries, stormwater drainage plan, snow storage area, and that there is no outdoor lighting proposed. If the Board feels there is the need for a waiver request for a sidewalk, he would emphasize there is no increase in use and no physical change to the site other than bringing it back into compliance where it was constructed per an approved plan.

The staff memo indicates the site is being converted from 4 units to 3. There are currently 4 units and 3 tenants.

Mr. Anderson remarked when the existing condition survey was done a small sliver of pavement in the very front of the property encroaches over the 20' parking setback. With that is a catch basin. Both of those were brought to the attention of the ZBA. He stated the desire to discuss whether there is a grandfathered status.

The sign that has been erected on the site per the original plan is, per the ordinance, too close to the front setback. That will require a variance from the ZBA.

There is a comment in the memo that the application go to peer review. He requested that be removed as a condition of approval given the simple nature of the project.

Mr. Anderson spoke of having gone before the Conservation Commission the previous evening. Their request is for no phosphorous and nitrogen fertilizers used on site, which the applicant is agreeable to, and that he informs the client of the Green SnoPro program for reduced salt usage.

Chairman Best noted the recommendations of the Conservation Commission; soils tested before the application of fertilizer, no phosphate, slow release nitrogen fertilizer, if needed, seedings and plantings native, and the use of salty performed by a Green SnowPro Certified applicator.

Chairman Best remarked the applicant is suggesting considering this as a compliance hearing and the Board and staff seem to approach it as a site plan review. He stated his thought if the applicant is content with coming into compliance with the previously approved site plan, that doesn't require Board action, e.g., if returning the site to the same conditions. The proposal results in a different buffer and increases the amount of pavement/impervious area. Given that the proposal does not match the 1987 plan, it can only be a site plan review.

Mr. Anderson asked for clarification regardless of whether or not he proposed the four parking spaces the fact that he is proposing a buffer that differs from the natural buffer that was previously there, would require a site plan review. Chairman Best stated that to be the case.

The staff memo proposes there are elements that would normally be in a site plan that are not in these plans. Their recommendation is to request the submission include that before voting to consider it complete.

Mr. Anderson stated a willingness to add the necessary notes and clarification in a number of locations. He noted the specific corrections cited previously. He stated his belief it comes down to the waiver for the sidewalk.

Mr. Price remarked in hearing Mr. Anderson's remarks, he is comfortable with the Board accepting the application as complete. They are looking to add most of the missing information. It will really come down to the sidewalk and the other two waivers they have submitted.

Mr. Anderson noted there to be an additional waiver; parking. The original 1987 plan obtained a zoning variance to reduce the parking on the site. He stated there was communication with the Community Development Department and it was determined that variance no longer stands since parking requirements are no longer within the Zoning Ordinance. The applicant is requesting the same uses for the site and the same parking calculation except now they will have 4 more spaces associated with it.

Councilor Boyd questioned if the parking waiver would impact the ADA compliance requirement. Chairman Best responded when the parking waiver is reviewed, the applicant's view of that could be tested, and that would also be a part of peer review if required of the applicant. Mr. Price noted typically per review is only required if drainage impact would be worsened after the development. The engineer in this case has provided a stamped statement that it will be improved.

Chairman Best questioned if there is another approach to understanding the parking regulations and how those are applied so that Councilor Boyd's question gets answered. Mr. Price responded the only thing he can go on is the ADA Compliance Brief, which he believes, in this case, specified there be 2 parking spaces. He stated that to be something that could easily be worked out through the process.

Mr. Anderson stated ADA requirements are 1 parking space per 25 spaces. In this case, the site warrants, per parking calculations, 48 spaces. They will be requesting to reduce that down to 29, which would indicate the need for 2 handicap parking spaces. He can stripe an additional space as there is already a van accessible striped location. He can simply add the symbol to the pavement and be compliant with ADA regulations.

Member Millns commented one of the tenants (the hair salon) is vacating the site. He questioned if that would impact the parking. Mr. Anderson commented he is not privy to that information. He commented, by far the highest use for parking is the hair salon. Were that to change it would only benefit the parking. He reiterated he is not aware of that information. Chairman Best commented if the development is approached with the understanding the tenants are a certain thing and later a new tenant has a different use, that will trigger some level of review with staff, and if it fits within the regulation you can do it, and if not you will be back before the Board. Mr. Price stated that to be correct. When tenants change hands at plazas like this, the department has to go through a parking calculation as part of an administrative approval process. Whatever the Board ends up granting for a waiver for the parking spaces, the uses that come in

will have to fit into that maximum number. If not, they would have to come before the Board for an adjustment.

**MOTION MADE BY MEMBER MILLNS TO ACCEPT THE APPLICATION FOR REVIEW**  
**MOTION SECONDED BY COUNCILOR BOYD**  
**MOTION CARRIED**  
**6-0-0**

*Chairman Best opened the floor for public comment.*

Michael Moy, 50 Sentry Way

Remarked it is horrifying to see 40-100' trees being removed. With respect to the buffer, the trees were about 60-100' Conifers (buffer in all seasons). From his residence, you were not able to see their building. Now they can see more of the property than the trees. The building is approx. 30' high.

There was a request for a waiver of not having to put a buffer on the condo side because of the amount of shrubbery existing on that other side. About 8 Conifers were removed. He stated the desire for the site to be restored to its previous state. Understanding you cannot plant 30-100' trees he would like for plantings to be Conifers. Planting trees up to 7' would not remove the view of their property or address the sound.

Rick Foote, 129 Indian Rock Road

Commented frequently when you see developments come in, they frequently cut down a tree line around a property. Although it may be good for the developer it impacts the abutters, their property value, etc.

Chuck Annable, 64 Sentry Way

Stated his back window overlooks the pizza place. The condo property management company also took down trees; however, they were not blocking his view of the pizza place. In the evening hours when vehicles pull into the establishment, headlights shine into his window. The staff at the establishment can be heard during their outdoor breaks. He stated the desire for the same kind of trees to be planted as were there previously.

Chairman Best asked for clarification of the tree removal, and was informed the condo. association removed dead trees.

Michael Minichiello, 76 Sentry Way

Commented usually around 4:30 - 5:00 a.m. there is some kind of delivery truck at the property. During deliveries, the establishment is not yet open. They leave their vehicle running.

The view has changed dramatically; instead of trees you see the building. He questioned if site plans expire since the previous plan was approved in 1987.

He stated his understanding the work was done without approval from the Board.

*Chairman Best declared the Public Hearing closed at 8:48 p.m.*

Mr. Anderson remarked the sum of the comments deal with the buffer. They acknowledged it was removed and they are trying to replace. Thirty+ ft. trees cannot be replaced. There will have to be some level of reduction in what will be proposed for the buffer. What is proposed exceeds what is required by Regulations and is a mixture of deciduous and Conifer trees. The number of Conifers can be increased.

The tenants in place are allowed uses. He was unaware of noise concerns. Those can be discussed.

Chairman Best commented on Area 2, which is proposed to be restored to its previous state, he questioned how they are identifying what that was, other than removing pavement. Mr. Anderson stated his understanding the majority of the trees that came down were dead. He is hearing otherwise. He stated he would have to refer to his applicant as he was not present prior to the current condition, and does not have knowledge of the site. Chairman Best commented the Board is in the same position having not been present. He remarked, when there is a site plan that comes in out of compliance that has done something like an intrusion, and he has to decide which side to air on, it will be on the side of the people whose property you've decided to pave. One of the challenges is you can put trees on the site plan, but since it is on their land, you better get them to agree to it. You can't just start planting trees over there just because you have the Board's approval for it.

Chairman Best remarked the delivery times and the idea there are trucks there late at night, he agrees the plan would go back to uses that were there previously, but he was also before the Board with a site plan, and part of a site plan review, it is not unusual for the Board to restrict delivery times, make sure trucks don't have a backup alarms, and that dumpster emptying doesn't occur at the wrong time, etc. He stated his belief the Board should consider that.

Whatever buffer was there was not only visual, but also reduced the sound, and some will be restored and it will have some sound damping effect that will continue as they grow, but if there is a consequence to having reduced sound buffering, that has to fall on the applicant because of the intrusion onto the other properties. Asked about the planting plan, Mr. Anderson stated the plan identifies arborvitaes, placed in areas where the majority of vegetation was removed and there is a sight line going straight through to the rear of the condo. Assoc. The larger ones are noted as the cherry trees. They are ornamental/deciduous tree (will leave leaves), dwarf spreading yew; smaller low lying to create a landscaped scheme, and Lilac. The landscape plan is in compliance with a new use/new site plan buffer.

Chairman Best commented if the premise is that we had a buffer from 1987 that had 30 years of growth on it, I know we can't put you in a place to tell you to plant 25-30' trees because it is not possible to do, but we will certainly push you to be as aggressive as you can to make it an effective buffer.

Asked what his building height is, Mr. Anderson indicated he is unaware, but given that it is a one story building, he does not believe it exceeds 30'.

Councilor Boyd suggested the Board consider a delivery restriction between the hours of 9:00 p.m. and 8:00 a.m. He spoke of the hours of operation of one of the tenants noting that restriction would not impact that business.

Member Disco questioned the catch basins and rip rap that is intended to be removed on the adjacent property. Mr. Anderson stated the improvements were made as part of the paved section for the increase in parking earlier in 2018. Those are to be removed. Asked what would occur with the runoff, he indicated the devices were a conveyance feature. The water was going into the catch basins. There is a detention basin in the rear of the property. He provided assurance, the plan, as proposed, with the four parallel parking spaces and the stone drip edge along it, no stormwater will flow on the abutting property.

Councilor Boyd questioned if drainage was going onto the condominium property. Mr. Anderson responded, prior to the improvements, it was staying on the property. After the improvements it was going to the catch basin on the condominium property. In the future, it will all stay on the property.

Member Disco recommended considering a buffer of the type that is on the property of Merrimack Building Supplies. Between their backyard and the road is a very dense planting of Arborvitae. They are an effective barrier and a faster growing one.

Member Christensen suggested restrictive delivery hours identify dumpster removal.

Chairman Best stated the desire to understand more about the parking issue that was addressed through a variance by the ZBA. Mr. Price stated parking, at the time the plaza was constructed, was a zoning criteria not a site plan regulation. That is why a variance for parking was granted. It has since been removed because it doesn't make sense to need a variance for something like that. Asked what the required parking would have been when the site was developed and the variance that was received, Mr. Anderson responded parking required without a variance was a total of 38 spaces. Provided is 23. Fifteen spaces were deleted to provide the buffer zone to the back of the building.

Chairman Best remarked now we are talking about 48 needed under current calculations and you are going to supply 29. It is 19 short. Mr. Anderson stated that to be correct. Mr. Anderson noted the original parking on the plan was based on the retail use, which was likely at a lower density. His are based on what is there today, and will be more.

Chairman Best remarked one of the things that often comes up when discussing pretty significant parking waivers is clearly posting no parking in places along the roadways and things where people will tend to go when there is no place to park. He suggested that be incorporated.

Vice Chairman Millns commented on individuals parking in the Citizen's Bank lot. He suggested an arrangement could be discussed with that establishment.

Mr. Anderson stated there to be a verbal agreement between the VFW and the applicant's site to get that to be a written document is a little more difficult. The two sites have alternating peak times, and utilize each other's available parking when needed.



Chairman Boyd commented on the public input regarding traffic that is entering the site and headlights shining through. That would not be in the disturbed areas related to the intrusions, it would be in the western corner of the lot. Were it a new site plan before the Board proposing commercial next to a condominium, the Board would buffer all the way around the corner as well. He questioned what the plantings look like today. Mr. Anderson did not have that information available. Chairman Best suggested consideration be given to resolving the question about headlights shining across property. Mr. Anderson commented he believes it would be wise to continue the application until next month's meeting. He stated the desire to investigate further the buffer and headlights. He stated concern with starting to limit delivery hours on the established businesses on the site. He is uncertain if there would be ramifications, but it is something that needs to be vetted.

Chairman Best commented that may not be something the Board requests the applicant agree to; rather a condition imposed by the Board.

Councilor Boyd spoke of his disappointment that the action occurred on the property without following the proper channels, and impacted an abutter. Chairman Best echoed the remarks. Although irritated with initial non-compliance, he always wants to be open to the idea that people can come before the Board and have a fair review to get it fixed.

Member Disco spoke of the new feature of the rock drip edge at the edge of the pavement intended to catch the drainage. He questioned if peer review would be required.

Mr. Price noted the information provided identifying the pre and post construction analysis. Mr. Anderson attests the post construction condition will result in a lesser runoff than current. That is why staff has been amenable to not requiring peer review and a full drainage analysis. But it is the Board's determination.

**MOTION BY COUNCILOR BOYD THAT THE BOARD REQUIRE A REVIEW OF THE DRAINAGE ANALYSIS BY THE TOWN'S ENGINEERING PEER REVIEW CONSULTANT  
MOTION SECONDED BY MEMBER DISCO**

**ON THE QUESTION**

Chairman Best remarked he tends to be sympathetic to the staff's review that when looking at a reduction to the pavement over what is there today, and have a calculation indicating the net runoff is reduced, that is something the Board has typically been willing to rely upon.

**MOTION FAILED**

**2-4-0**

*Members Best, Millns, Anketell and Christensen voted in Opposition*

**MOTION BY COUNCILOR BOYD TO CONTINUE THE ITEM TO JULY 16, 2019 AT 7:00 P.M.  
IN THE MATTHEW THORNTON MEETING ROOM, WITH NO FURTHER NOTICE TO ABUTTERS**

**MOTION SECONDED BY MEMBER MILLNS**

**MOTION CARRIED**

**6-0-0**

*There being no objection, the Board took a ten-minute recess at 9:16 p.m.  
The Board reconvened at 9:25 p.m.*

**6. Kinsley Osgood-Barnard (applicant/owner)** – Review for acceptance and consideration of a waiver of full site plan review for a change of use to allow a dog grooming business (within a building addition to the existing home) in addition to the existing residential dwelling. The parcel is located at 9 Harris Avenue in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts and Wellhead Protection Area. Tax Map 6D-1, Lot 038. Case #PB2019-19.

Mr. Price noted the application was before the Board previously and included dog boarding, grooming, and daycare. This application is only for grooming.

Kevin Anderson, PE, Chief of Engineering, Meridian Land Services, Inc., stated the site is .31 acres, and includes a 100+ year old home. The applicant is looking to construct a 600 sq. ft. two-story addition. The top floor would house bedrooms and the first floor a garage, mud room, and small (approx. 100 sq. ft.) dog grooming room.

Although not compliant with the ordinances, he views this as a home occupation. The site is zoned commercial and has a residential use allowed by special exception. Because it is residentially zoned and this is a commercial business, it technically needs to comply with the site plan regulations, which is quite burdensome for a residential addition. Requested is a full waiver from the site plan regulations.

The title of the plan includes reference to a dog daycare, which was in error. Interpretation is needed with regard to the parking regulations. It is required to have 1 space per five animals and 1 space per employee. The applicant resides there. He questioned how to quantify spaces necessary for clients. There is no kennel and you cannot have multiple dogs. There might be some overlap.

The staff memo addresses required ADA parking. Mr. Anderson stated he would look to the residential nature of the application.

Mr. Anderson spoke of access to the site. The left-hand portion of the site contains a garage and driveway to access the site. It is almost wholly within the abutting property. There is an access/maintenance easement that allows ongoing maintenance and access to the site in perpetuity, and extends a hold harmless clause.

The PWD is requesting the concrete apron (adjacent to Harris Ave.) be removed as it is half in the right-of-way. That was the former location of a carport. Some consideration could be made that is the drop-off location.

Member Disco commented on the notation in the staff memo regarding the inability to find the easement language referenced. Mr. Anderson stated the book and page reference he placed on the plan was incorrect. It is Book 7112/Page 856. A copy was provided. The plan should be amended to reflect the correct notation.

Chairman Best commented the PWD has suggested the concrete pad be reduced to be within the property line and not be essentially a curb cut. He questioned if the desire is for there to be some sort of curb cut on that property for drop-offs, etc. Mr. Anderson stated his belief the existing driveway should be utilized as the drop-off. He spoke of trying to save his applicant the expense of having to remove a concrete pad.

Vice Chairman Millns commented, he does not see what harm the concrete pad is doing. Other than a few other homes, the only thing beyond this home on Harris Avenue is access to the toll booth collection building, which is now defunct. Councilor Boyd suggested it to be an onerous request of the PWD.

Chairman Best remarked the applicant's lot is entitled to a curb cut to access the road. They are using the one from the neighbor's site, but they don't have one on their own property. We're suggesting the concrete pad be removed and disconnected from the road, which would make it no longer a curb cut.

The actual dog grooming business is approx. 100 sq. ft. The intent is the volume is one dog at a time and there may be some overlap as one comes and goes. It was noted there is no room for a client to wait onsite.

Ms. Kinsley Osgood-Barnard, Applicant, stated there will be no clients waiting onsite. She has run this as a home occupation business in Nashua for 6-7 years. Asked about equipment/needs, she indicated there is a dog tub, table, and velocity dryer. The space will have electricity and plumbing. Asked if there would be a waiting area, she indicated there will be a check-in area (approx. 7' x 3' hallway). The grooming room would be shut-off from the hallway. The only outdoor space provided may be a 4' x 4' patch for the dogs to use. The existing fenced in area is for her personal dogs.

Member Disco stated the desire for building dimensions to be included on the plan. Mr. Anderson stated the dimensions to be approx. 20' x 38'.

Mr. Anderson stated the desire for the plan to be conditionally approved. Chairman Best remarked one of the key reasons for following staff's advice to continue the application is to provide an opportunity for the easement language to be reviewed. Asked if he had a proposed resolution for the rear intrusion into the neighbor's property, Mr. Anderson indicated he did not. He noted a swamp in the back of the property.

Chairman Best commented, in the past, with intrusions such as this, the Board has taken two different approaches; can tell the Applicant a plan cannot be addressed with a boundary line intrusion on it or require a note be put on the plan indicating the Board doesn't endorse any intrusions that may be present as it is not within its jurisdiction to do so. Member Disco suggested a note be provided on the plan.

With regard to the concrete pad, Chairman Best questioned the Applicant's preference. Mr. Anderson stated, if the Board is willing to continue the application, he will speak with Dawn Tuomala, Deputy Director, PWD, and relay his concerns related to cost of removal and the potential of using it as a drop-off location.

Chairman Best remarked when the carport was there, that was the curb cut and how you turned in to get to the carport. The site is entitled to have one. Whether it meets the criteria for the way a curb cut is designed, etc., he is uncertain.

Comments were made regarding a drainage pipe that runs underneath the concrete pad. The argument could be made that the concrete pad is protecting the existing drainage structure. It was also noted if access to the pipe is needed the pad would have to be jack hammered.

Asked about the object in the area of the corner of the concrete pad and the brick walk, Mr. Anderson indicated it is a homemade leaching catch basin.

Ms. Osgood-Barnard stated if the concrete pad is holding up the application she has no issue removing it. She is putting in a garage and wants a driveway straight back to the garage. Chairman Best commented the building is a garage and a driveway is needed to get to the garage. That would also provide the space for parking. He suggested that be put on the plan for the next review.

Mr. Anderson noted the request for consideration of a sidewalk. Mr. Price remarked given the request is for a waiver of the full site plan review, the Board could determine that it falls under that.

Chairman Best noted the staff recommendation is to continue the acceptance. Were the Board to do that, it would not get to address the question of full site plan review. Mr. Price indicated if the Board has established a level of comfort based on the presentation provided, he is fine with acceptance of the plan. However, recommended continuance.

Chairman Best stated his understanding the chief concern was the missing easement language. Mr. Price indicated a copy has been provided by Mr. Anderson by email. He is uncertain what the language indicates. Councilor Boyd commented if the easement doesn't directly affect the proposed addition it is just information that goes on the plan. Chairman Best stated the Applicant has proposed that is where the drop-off location will be, which is one consideration. The other is the same as the fence in the back, this would be another intrusion across a property line that isn't supported. The Board would need to decide whether that much more significant intrusion is something to be dealt with in a note or if the Board would tell the Applicant it could not consider a plan that has this level of non-compliance.

Mr. Anderson clarified he has not suggested the Applicant's existing driveway be used for drop-off, he indicated that as an option.

**MOTION BY COUNCILOR BOYD TO ACCEPT THE APPLICATION AS COMPLETE**  
**MOTION SECONDED BY MEMBER MILLNS**  
**MOTION CARRIED**  
**6-0-0**

**MOTION BY COUNCILOR BOYD TO WAIVE FULL SITE PLAN REVIEW AND DETERMINE THAT A SIDEWALK IS NOT NECESSARY, NOTING STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP TO THE APPLICANT AND THE WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE REGULATION**  
**MOTION SECONDED BY MEMBER MILLNS**  
**MOTION CARRIED**  
**6-0-0**

*Chairman Best opened the floor for public comment.*

No public testimony was offered.

**MOTION BY COUNCILOR BOYD TO CONTINUE THE ITEM TO JULY 2, 2019 AT 7:00 P.M. IN THE MATTHEW THORNTON MEETING ROOM, WITH NO FURTHER NOTICE TO ABUTTERS**  
**MOTION SECONDED BY MEMBER MILLNS**

## ON THE QUESTION

Councilor Boyd noted the ten items outlined in the staff memo that require addressing. Member Disco noted additional items requiring clarification, e.g., note regarding fence intrusion, easement language review.

### **MOTION CARRIED**

**6-0-0**

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

- Greenfield Farms XIV Performance Bonds

Chairman Best spoke of a communication from Deputy Public Works Director/Town Engineer Tuomala relative to various roads that are part of Greenfield Farms XIV and a proposal to establish a performance bond, and then, because the roads are well under way to being constructed, reduced the performance bond as outlined.

**MOTION BY COUNCILOR BOYD TO ESTABLISH PERFORMANCE BONDS FOR ORCHARD DRIVE IN THE AMOUNT OF ONE MILLION NINE HUNDRED FORTY SEVEN THOUSAND THIRTY TWO DOLLARS AND THIRTY SIX CENTS (\$1,947,032.36), HARVEST COURT IN THE AMOUNT OF TWO HUNDRED SIX THOUSAND NINE HUNDRED THIRTY SEVEN DOLLARS AND FORTY SIX CENTS (\$206,937.46), BUSHEL COURT IN THE AMOUNT OF ONE HUNDRED NINETY FOUR THOUSAND EIGHT HUNDRED FIFTY SEVEN DOLLARS AND THIRTEEN CENTS (\$194,857.13), AND BALDWIN COURT IN THE AMOUNT OF ONE HUNDRED NINETY TWO THOUSAND TWO HUNDRED FIFTY EIGHT DOLLARS AND SEVENTY TWO CENTS (\$192,258.72)**

**MOTION SECONDED BY MEMBER MILLNS**

**MOTION CARRIED**

**6-0-0**

**MOTION MADE BY COUNCILOR BOYD TO REDUCE THE PERFORMANCE BOND FOR ORCHARD DRIVE TO SIX HUNDRED NINETY FIVE THOUSAND THREE HUNDRED NINETY EIGHT DOLLARS AND FIFTY CENTS (\$695,398.50), HARVEST COURT TO SIXTY SIX THOUSAND NINE HUNDRED FORTY THREE DOLLARS AND THIRTY SEVEN CENTS (\$66,943.37), BUSHEL COURT TO SEVENTY THOUSAND FIFTY TWO DOLLARS AND TWENTY FIVE CENTS (\$70,052.25) AND BALDWIN COURT TO EIGHTY THREE THOUSAND TWENTY THREE DOLLARS AND NINETY TWO CENTS (\$83,023.92)**

**MOTION SECONDED BY MEMBER CHRISTENSEN**

**MOTION CARRIED**

**6-0-0**

Member Disco spoke of having attended a presentation at the NRPC regarding suggested legislation and regulation for sourcewater protection areas. It specifically got into methodologies. They have drafted proposed model site regulations and a model zoning ordinance. A lot of the things are already covered in the Town's regulations. However, he believes it prudent to review the information to determine if there are any modifications the Town should be making.

The information received from the presentation will be distributed to the Board.

Member Disco spoke of attending the spring Planning & Zoning Conference at OSI in Concord. A series of interesting presentations were made regarding changes in land use law and changes to court interpretations of land use laws. He has materials that can be shared. There was discussion of workforce housing.

Vice Chairman Millns questioned if there was discussion of the draft proposal going through Concord to have a super authority that could overrule both planning and zoning boards in any town if not providing enough workforce housing. Member Disco stated that particular statute applies to everything planning and zoning boards do. That is still winding its way through the legislative process. It was presented fairly positively by the people there.

Chairman Best commented the few times he has heard it discussed in Concord, the BIA and Housing Finance Authority simply look at it in a black and white approach saying if it is pro workforce housing, they want it.

Councilor Boyd noted a few members of the NRPC have indicated support. However, the majority is against. The NRPC has decided not to take a position because there is no unanimity on whether they should be for or against.

Chairman Best commented in a town with a planning board that has kind of run amuck and saying no to things on subjective grounds, where there is really nothing local residents can do about it as it is cost prohibitive, there is some appeal to the idea of saying someone has got to step in and do something. He has never supported it.

Member Disco noted the three individuals would be full-time and paid a salary.

Councilor Boyd commented he is uncertain of when the appointment process is as it relates to the NRPC, but wished to express that Karin Elmer and Tim Tenhave have been active participants and tremendously effective in their roles serving on the NRPC. There are two other individuals who have not actively participated. He encouraged the Board to actively seek new individuals to sit on that commission. He spoke of the work being done by the NRPC.

## **8. Approval of Minutes – May 21, 2019**

*The following amendments were offered:*

Page 1, Lines 4 & 6; reference to Councilors Boyd and Koenig should identify them as Councilors as opposed to Ex-Officio members.

**MOTION BY MEMBER MILLNS TO APPROVE THE MINUTES OF THE MAY 21, 2019 MEETING, AS AMENDED**

**MOTION SECONDED BY MEMBER DISCO**

**MOTION CARRIED**

**3-0-3**

*Councilor Boyd and members Christensen and Anketell Abstained*

## **9. Adjourn**

**MOTION BY MEMBER MILLNS TO ADJOURN**

**MOTION SECONDED BY MEMBER DISCO**

**MOTION CARRIED**

**6-0-0**

The June 4, 2019 meeting of the Merrimack Planning Board was adjourned at 10:13 p.m.

Submitted by Dawn M. MacMillan