



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

TUESDAY, MARCH 7, 2017

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Lynn Christensen, Desirea Falt, Vincent Russo, and Alternates Nelson Disco and Paul McLaughlin.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

#### 1. Call to Order

Robert Best called the meeting to order at 7:00 p.m.

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

**The Board voted 7-0-0 to determine that the Lavoie/Pierce minor subdivision is not of regional impact, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

Tim Thompson announced the OEP Conference scheduled for April 29, 2017 and that there are no applications for the March 21, 2017, Planning Board meeting.

**3. Rob Lavoie (applicant) and Scott and Christine Pierce (owners) — Review for acceptance and consideration of Final Approval for a minor subdivision of one lot into two lots. The parcel is located at 19 West Road in the R-1 (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 6B, Lot 121.**

Tim Thompson said that, although there is a relatively large wetland on the property, there are sufficient upland areas to meet the requirements of the Ordinance. The applicant is proposing a shared driveway to West Road that would be contained within an access and utility easement.

Sam Ingram, Meridian Land Services, Inc., said the driveway on the 12+-acre parcel would be upgraded to a 16' width with a turnaround at the end to meet Fire Department requirements. The applicant would meet staff's conditions. As to 7.a. concerning removal of vegetation that obstructs sight distance, he stated that such trees would be removed. The property has a well and septic system.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

**The Board voted 7-0-0 to accept the application for review, on a motion made by Desirea Falt and seconded by Vincent Russo.**

A waiver is being sought from the requirement to place monuments at locations in the wetland. Alastair Millns cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

**The Board voted 7-0-0 to waive the requirements of Section 4.06.1(i) - Monuments – of the Subdivision and Site Plan Regulations, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

Sam Ingram stated that sidewalks are not necessary in a minor subdivision. Tim Thompson explained that voting to waive the requirement is not necessary, since it can be done by consensus of the Board.

Chairman Best read the conditions suggested by the Merrimack Conservation Commission (MCC).

Tim Thompson reminded the Board that it can vote only on the creation of the lot and not on where the home or driveway would be placed. Sam Ingram said a decision has not been made about whether to have underground or overhead utilities.

#### **Public comment**

Margaret Hamm, 10 Jefferson Drive, asked why she was informed of the project only one week ago. Tim Thompson explained the application process. Notification meets requirements. When she bought her property, Margaret Hamm was told the wetland behind it was unbuildable. She is concerned about problems associated with blasting and where water would flow. Chairman Best explained that all those issues are regulated and inspected by the Building Inspector, Code Enforcement and Community Development Department. Nothing can be built in a wetland and the applicant must meet requirements of the NH Department of Environmental Services (NHDES). Alastair Millns described blasting requirements. Tim Thompson said that a structure cannot be located closer than 60' to a rear property line. Margaret Hamm wanted the home to be built farther back toward West Road, but Tim Thompson repeated that the Planning Board cannot regulate where a home is placed on a lot.

Diane Asai, 20 West Road, is concerned about the well and the spot between #16 and #18 West Road that is wet most of the time and about the Town culvert draining into the wetland. The situation that caused water from Briann Drive to wash over a driveway was never rectified. She asked what would happen to the blueberry bog when trees were removed. Chairman Best explained that the applicant is required to clear some trees on West Road but not at the scope of Briann Drive. Tim Thompson said that the trees are in the town right-of-way and the Highway Department oversees that drainage functions properly.

Michael Bruce, 8 Jefferson Drive, is concerned about clearing trees in the wetland and why he received no notice about the March 6, 2017, MCC meeting. Chairman Best explained that no trees would be removed from the wetland. Tim Thompson explained that the MCC is not required to notify abutters and can make no determinations. It can only make recommendations to the Planning Board.

Sam Ingram said a test pit found no ledge, so there would be no blasting. The grade is 12'-14' above the wetland. He explained where trees would be cut or trimmed to create a 200' sight distance. The culvert from West Road does not cross the property. Chairman Best suggested a condition of approval to note that on the plan.

Michael Redding asked how to widen the driveway if it is already in the buffer. He suggested pitching toward the north and adding more plantings. Sam Ingram said the MCC wanted to keep the improvements on the north side of the easement/north buffer. He could pitch to the north, which is already vegetated. Tim Thompson repeated that the MCC can only make recommendations, not requirements because this is a subdivision and not a site plan. Sam Ingram agreed to place a marker or sign to note the "no disturb buffer" for the future homeowner. He will not wipe out the buffer between the homes.

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 6-1-0 to grant final approval, with the following conditions, on a motion made by Lynn Christensen and seconded by Tom Koenig. Alastair Millns voted in the negative.**

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 note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
3. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
4. The applicant shall field verify if there are any culverts located along the frontage of the property on West Road and indicate them on the plans as applicable;
5. The applicant shall address the following comment from the Fire Department:
  - a. The construction of all roads and access ways must be completed to the Town of Merrimack Specifications allowing access and supporting the weight of fire and emergency medical apparatus throughout the construction period. Due to the length of the new proposed shared driveway on lot 6B-121 and 6B-121-1 which is over 300 feet in length, it must also meet the above standard, as well as maintaining a minimum clear width of 16 feet throughout its length and having an acceptable Fire Apparatus Turn around area at the far end of the driveway. (NFPA 1, Chapter 18) The current plan shows the required 16 foot clear drive only from the existing drive at 19 West Rd. to the proposed new house on lot 6B-121-1. This requirement is for the entire length of the shared driveway from the intersection with West Road to the new house to be brought up to the new standard.

6. The applicant shall address the following comments from the Conservation Commission, as applicable:
  - a. While the site is not immediately adjacent to Baboosic Brook it is situated immediately adjacent to associated wetlands. The Commission recommends the applicants minimize the use of salt and/or de-icing compounds on the site;
  - b. The Commission recommends that any future development of the proposed utility and access easement be restricted to the North-most edge of the easement;
  - c. The Commission recommends that only no phosphate, slow release nitrogen fertilizers be used. The Commission further recommends that the applicant utilize a soil testing facility to determine what levels and applications rates are necessary prior to applying any fertilizes to the site;
  - d. The Commission recommends the use of native plantings for all new greenscape designs;
7. The applicant shall address the following comments from the Department of Public Works:
  - a. Even though the driveway is existing, the use is going to be increased with the addition of the lot in the rear. The all season safe sight distance plan and profile should be provided using the current 2011 AASHTO Book, in particular either Table 3-1 or 3-2 depending upon the slope of the road. Any vegetation that requires removal to obtain the adequate all season sight distance shall be so noted on the plan;
  - b. The driveway entrance and turning radii should be widened to accommodate two vehicles side by side so that there won't be stacking or backing onto West Road waiting to enter the site;
  - c. 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;
  - d. There shall be a note added to the plan that any work within the Public Right of Way (ROW) on West Road will require a Right of Way permit from the Highway Division of Public Works;
  - e. Section 4.06.1(i) requires locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots;
8. The applicant shall address the following Planning Staff Technical Comments:
  - a. All appropriate monuments should be set in accordance with the regulations (with the exception of those within wetland areas per the waiver granted by the Board);

- b. The applicant shall correct Note 5 on Sheet 1, as this lot is zoned R-1 by the Zoning Map, not R (with R-1 by soils);

#### **General and subsequent conditions**

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
4. Per the requirements of the Fire Department, the new lot created by this subdivision (6B/121-1) shall be addressed as 21 West Road.

#### **4. Discussion of 2013 Master Plan implementation**

Tim Thompson summarized the status of implementation and said that more has not been done to date because of variability of Community Development Department Staffing levels since 2011. The only completed item is H-7, "Consider Accessory Apartments". The Accessory Dwelling Unit (ADU) section of the Zoning Ordinance was changed to conform to new state law and to address the master plan recommendation. He wanted to work on an Economic Development Overlay Zone for underutilized parcels, but there is now activity at the Merrimack Hotel, Zyla's and the old Shaw's. He now prefers to concentrate on Mixed Use ordinance language applicable to a wider part of the community. Mixed use is a better use of time.

Chairman Best asked the Board how it wished to prioritize the items and suggested grouping LU-2, "Allow Higher Density in North and South DWH", LU-4, "Develop Village Nodes on DWH", and H-2, "Encourage Mixed Use Infill on DWH", together. Nelson Disco wanted to work on T-3, "Develop Town-Wide Pedestrian & Bike Plan", which ties into LU-4 (Nodes) and would enable getting grants from the state to develop the north & south ends of town. The state is interested only in these areas on Route 3. Alastair Millns said mixed use opportunities are the most important. Other items cost money. Merrimack must become more attractive to business. Michael Redding wanted to make Merrimack a "destination location". Access to Merrimack is broken. Corridors/public access should be found to connect attractive features. Alastair Millns noted that there is still no bus service to Merrimack Premium Outlets (MPO) and encouraged public transportation in that area. Tim Thompson suggested improving on what has already been done and making it applicable to other parts of town, but the Ordinance limits where there can be mixed use. Pedestrian connectivity is included in mixed use.

Chairman Best suggested focusing first on mixed use in the D.W. Highway Corridor, which Tim Thompson said would roughly fulfill six recommendations in the Master Plan. He suggested paying less attention to time frames and more attention to what is

achievable and where the Board can be most effective. Paul McLaughlin asked the Board to be sensitive to residents who do not like how busy certain areas of town have become. Chairman Best noted that most commercial development is east rather than west of D.W. Highway. Noting that Merrimack is the 8<sup>th</sup> largest municipality in New Hampshire, he suggested that it is not really a “rural” community. Most parcels on D.W. Highway have been redeveloped rather than developing open space. LU-6 states, “Develop Access to Merrimack River”. Tom Koenig informed the Board that boat access in the south part of town is in next year’s budget. Chairman Best wanted to encourage developing some businesses along the Merrimack River.

The Board agreed that, at its April 4, 2017, meeting, Tim Thompson would present an overview of mixed use for discussion and Nelson Disco would lead a discussion on next steps for T-3 (Pedestrian & Bike Plan). Chairman Best added that the Board wants sidewalks from Greeley Street to Bedford Road.

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

Chairman Best announced cancellation of the March 21, 2017, meeting.

Chairman Best read a notice from the U.S. Department of Homeland Security/FEMA Region 1 stating that it would collect data on the Merrimack watershed this spring prior to remapping certain rivers and identifying flood risks. No Merrimack rivers are included in the study. Tim Thompson will scan and e-mail the notice to interested Board members.

Nelson Disco informed the Board that the state did test borings at the Baboosic Brook Bridge where it crosses Route 3 preliminary to designing a new bridge.

#### **6. Approval of Minutes – February 21, 2017**

**The minutes of February 21, 2017, were approved as submitted, by a vote of 7-0-0, on a motion made by Lynn Christensen and seconded by Alastair Millns.**

#### **7. Adjourn**

**The meeting was adjourned at 8:20 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.**