



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MAY 5, 2015

Planning Board members present: Robert Best, Alastair Millns, Tom Mahon, Michael Redding (arrived 7:31 p.m.), Lynn Christensen, Desirea Falt, and Alternates Nelson Disco and Jeff Sebring.

Member absent: Alternate Matthew Fortin

Staff present: Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Nelson Disco and Jeff Sebring to sit for the vacant full member position and Michael Redding respectively.

Michael Redding arrived at 7:31 p.m., replacing Jeff Sebring as a sitting member.

2. Planning & Zoning Administrator's Report

Jillian Harris informed the Board that Vault Motor Storage will ask for review, acceptance and consideration of Final Approval for a site plan to construct a 44,000 square foot commercial storage building for vehicles and RVs behind the existing building at 526 D.W. Highway. Staff recommends that the Board determine that the project is not of regional impact.

The Board voted 7-0-0 to determine that the 526 D.W. Highway (Vault Motor Storage) Site Plan is not of regional impact, on a motion made by Alastair Millns and seconded by Desirea Falt.

3. Annual Meeting - Election of Officers and Review of By-Laws

Nelson Disco nominated Robert Best as Chairman and Alastair Millns as Secretary for another year.

The Board voted 5-0-2 to elect Robert Best as Chairman and Alastair Millns as Secretary. Robert Best and Alastair Millns abstained.

Tom Mahon noted that Section VI.C. - Annual Meeting - of the By-Laws illegally states that members unable to be present for the election of officers may vote by proxy for the officers of the Board at the Annual Meeting. The Planning Board agreed to delete this sentence.

The Board agreed to change references to "Town Meeting" in Section VI.C. – Annual Meeting – to read "Town Annual Meeting".

The Board voted 7-0-0 to amend VI.C. – Annual Meeting – of the By-Laws, on a motion made by Lynn Christensen and seconded by Tom Mahon.

The Board suggested the following changes in the By-Laws to be voted in 2016: To change “Secretary” to “Vice Chair”, to allow electronic voting, and in Section V.A. – Members - that Town Council appoint an alternate representative rather than the Planning Board selecting one from its alternate members.

The Board voted 7-0-0 to approve the proposed by-law amendments, on a motion made by Lynn Christensen and seconded by Alastair Millns.

- 4. Fieldstone Land Consultants, PLLC (applicant) and Brett W. Vaughn Rev. Trust (owner)** – Pre-submission hearing for a conceptual subdivision plan for 12 residential lots located at 123 Wilson Hill Road in the R-1 (Residential) District. Tax Map 4A, Lot 023.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, PLLC, said the proposed 27.8-acre lot of the 59.1-acre parcel has an existing residence, outbuilding and site improvements. Each lot in the proposed subdivision must meet the 50’ front, 30’ side, and 60’ rear setback requirements and have 100,000 square feet of contiguous upland area, 250’ of frontage and 300’ in depth. A slope goes north-south to Wilson Hill Road. There are some jurisdictional wetlands on the property, which is serviced by overhead utilities, a well and a septic system. Chad Branon distributed a modified subdivision concept plan. The roadway and lot layout were modified to comply with frontage and depth requirements. All lots would meet the minimum lot size.

The applicant will seek a variance from the Zoning Board of Adjustment (ZBA) for less than the required frontage for three lots on the cul-de-sac. The cul-de-sac street will intersect with Wilson Hill Road. The intersection will be re-graded. The smallest lot will be 2.3 acres and the largest will be 5.69 acres. There is ample sight distance.

The applicant will seek a waiver from the Subdivision Regulations for a cul-de-sac measuring 1,543 rather than 1,200 linear feet due to the topography. Although a 1,200’ road would support 11 lots, 1,543’ are needed because of the geometry of the parcel. The proposed length is not for the purpose of increasing density. There will be a significant cut in front of the development. The Preliminary Profile Plan shows the grade. Meeting road regulations would require significant cuts in the first 400’ of the roadway.

The applicant will seek a waiver for a 2% grade for 50’ at the intersection and a 9% grade for 50’ from Station 100 to Station 450. That will significantly reduce the cut because of the property’s terrain. The road will be a public Town road.

Chairman Best wanted to hear from the Public Works (PWD) and Fire Departments, who will probably require hydrants for a road of over 1,200 linear feet. Alastair Millns added that tanks/cisterns would be necessary because there is no public water for hydrants in this area.

Chad Branon said a 2% grade will be a big improvement and conform to the existing topography better than what would be required by the regulations. Drainage and storm water improvements will be made. The applicant will need a State Alteration of Terrain Permit. Discharge will be treated and sent to on-site wetland areas or ditch lines. A waiver would allow for fewer slopes, drainage and altering the terrain. Alastair Millns noted that, since this will be a public road rather than a driveway, it must meet standards. Chad Branon said the proposed roadway alignment and grade will be an improvement over the existing grade.

Chad Branon said that preliminary testing shows no issues in making septic systems work. Chairman Best wanted to see how test pits performed. Desirea Falt reminded the applicant to show an area suitable for a second pit on the plan in case the first one fails. Chad Branon explained that there will be a 4,000 square foot space on every lot for septic placement. The State requires a primary and a replacement area. There will be wells on site.

Brett Vaughn, Owner, 123 Wilson Hill Road, said his wells are the deepest, at 1,400' deep. Discussion ensued concerning how to determine the availability of water.

The Board requires the utilities to be underground.

Michael Redding suggested discussing with PWD how to maintain a road with poor soil conditions. Brett Vaughn said his current driveway holds up better than Wilson Hill Road does; there are no frost heaves. Chad Branon described the soils, which are good for drainage and for road construction.

Michael Redding said the applicant would have to mitigate runoff from the driveway to the intersection. Nelson Disco noted much erosion, water and road washout in the drainage area, especially at the Wilson Hill Road intersection. Drainage should be contained and retained on site. He questioned the site distance looking west, where there is a hump of earth at the corner of Lot 1. Chad Branon said he did a field check for sight distance. The corner will be re-graded. All lots will be accessed off the cul-de-sac road.

Brett Vaughn said he cleared brush and timber at the lot off South Grater Road and will improve the lot. It is not part of the proposed subdivision.

Chairman Best asked whether a longer road would make the lots better shaped rather than triangular. Chad Branon is trying to reduce the length of the road and infrastructure cost. All lots meet or exceed the minimum required size. He can try to modify the road if the Board wishes it. The piece/flag of land that sticks out of Lot 1 makes the lot meet the minimum required size. Chairman Best suggested asking the ZBA for a variance to make that a regularly shaped lot. Alastair Millns said a 100' longer road would possibly allow lots 5, 6 and 7 to meet the frontage requirement without a variance. Chad Branon said he would have to extend the road 200' to make all the lots comply. Alastair Millns opined that the ZBA would be more willing to grant a reduced frontage variance if the frontage were increased by a longer road.

Public comment

James Wood, 119 Wilson Hill Road (Lot 4A-12), is concerned about water. His 1,460'-deep well is deeper than the applicant's, yet at the same time he has several sump pumps. In summer, Wilson Hill Road is very dry; in spring, water runs everywhere. His recharge rate is $\frac{3}{4}$ gallon per minute. Water comes from the hill and washes down anything that is on it. James Wood predicted that 12 new homes would drain everyone's well, which is the only source of water. Water from the ledge would come down onto his property and septic tank water would contaminate his well. The new houses will be behind and higher than his. There are many power failures on Wilson Hill Road and overhead utilities would be an issue.

Fred Grimes, 117 Wilson Hill Road (Lot 4A-13), who has a 600'-deep well, agreed with James Wood. James Wood has a well easement on the Grimes property but the old well is dead. There are also two dead wells buried on the Grimes property. Fred Grimes has the same recharge rate as James Wood. He is concerned about blasting ledge and where the water will go. Storm water this year is negligible. In answer to a question from Michael Redding, Fred Grimes said he never had to replace his septic system. The nearest Town water is at a hydrant two miles away.

Chad Branon said he would address the issues as part of the State and local permitting process. In answer to a question from Chairman Best, he said he can test the wells for arsenic.

Nelson Disco, noting severe problems, wanted a study of water availability as part of the applicant's submission.

5. Discussion/possible action regarding other items of concern

Chairman Best informed the Board that the Bicycle and Pedestrian Subcommittee is trying to get Nashua Regional Planning Commission (NRPC) assistance, which Town Council must approve. However a majority of Town Council does not support it because they do not favor developing sidewalks. The subcommittee's work is therefore in limbo. Chairman Best noted that Desirea Falt was a fabulous chair.

Alastair Millns noted that Nashua just received a \$125,000 grant to develop a sidewalk improvement plan. Tom Mahon, who represents Town Council on the Planning Board, said the Council wants a manageable plan. The State is downshifting the budget to the towns. Tom Mahon is concerned about the scale. Chairman Best said that regulations now require sidewalks everywhere, but the Planning Board thinks that is a bad idea. The subcommittee wants to fix that. The subcommittee voted to wait one season while gathering more information about sidewalks and raising public awareness rather than meeting monthly to try to make a plan. Nelson Disco agreed it should develop public interest and better assess the public's desire to fill the gaps in the sidewalk. Desirea Falt agreed, but said it makes no sense to do it without staff support. The subcommittee can bring in experts, share information with the Planning Board and re-evaluate in another year rather than make a total coordinated effort now. Noting that

few people came to the subcommittee meetings, Chairman Best favors developing public support before continuing the subcommittee.

Michael Redding asked if the trail system would be expanded for non-motorized vehicles. Nelson Disco replied that a group is working on a grant for Souhegan River trails. The subcommittee was to review bike and non-motorized traffic. The Town Center Committee is not looking at that, but is charged with implementing a sidewalk proposal that is restricted to the Town Center. The subcommittee proposal from NRPC would have looked at Route 3 end to end.

Chairman Best noted that there are two camps supporting sidewalks: one wants nature and exercise walks and the other wants walkways to get from place to place. The group is split in half, making the subcommittee less effective. The Town Master Plan asks for a Sidewalk Master Plan, which will take time. Alastair Millns suggested that the Board review the subcommittee's status quarterly. Chairman Best suggested that staff circulate the legal opinion about sidewalks to Board members.

The Board voted 5-1-1 to suspend the Bicycle and Pedestrian Subcommittee temporarily, on a motion made by Desirea Falt and seconded by Michael Redding. Nelson Disco voted in the negative. Tom Mahon abstained.

Nelson Disco summarized recent legal changes and court decisions that were presented at the May 2, 2015, 23rd Annual Spring Planning and Zoning Conference. Jeff Sebring attended sessions on Basics for Planning Boards, Remembering the Master Plan and Codes.

Jeff Sebring asked whether the Town would bear responsibility for wells if the Fieldstone project does not materialize. Chairman Best responded that the Town has no obligations about water for existing homes. Alastair Millns added that the owner has legal responsibility. The Town does not have to solve problems the Planning Board might create due to unintended consequences. Nelson Disco saw just cause to deny the subdivision if it cannot prove water availability for the homes. Chairman Best said that would be only if no water is available. He wondered whether the Board should institute a standard that studies be done before there is a problem. Nelson Disco said it is incumbent on the applicant to prove he can provide water.

Michael Redding asked about the status of a soils discussion. Alastair Millns explained that meetings were cancelled because of Pete Gagnon's health issues. The meeting will be rescheduled when he is well enough to appear before the Board.

6. Approval of Minutes – April 21, 2015

The minutes of April 21, 2015, were approved, with changes, by a vote of 5-0-2, on a motion made by Desirea Falt and seconded by Alastair Millns. Tom Mahon and Michael Redding abstained.

7. Adjourn

The meeting adjourned at 9:37 p.m., by a vote of 7-0-0, on a motion made by Alastair Mills and Desirea Falt.