



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MAY 7, 2019

Planning Board members present: Robert Best, Alastair Millns, Bill Boyd, and Neil Anketell

Planning Board members absent: Lynn Christensen, Dan Ricker and Alternate Nelson Disco

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

1. Call to Order

Robert Best called the meeting to order at 7:02 p.m. and announced that Michael Redding has resigned from his seat on the Planning Board and that Bill Boyd is now the Town Council Ex-Officio member on the Planning Board.

2. Planning & Zoning Administrator's Report

The Board voted 4-0-0 to determine that the Pennichuck Water Works two-lot subdivision is not of regional impact, on a motion made by Bill Boyd and seconded by Alastair Millns.

Members praised Michael Redding's value and expertise during his term on the Planning Board and said that losing him on the Board is a loss to the community.

3. The Southwood Corporation (applicant/owner) – Review for acceptance and consideration of an amendment to a previously approved two lot subdivision to add a new drainage easement. The parcel is located at 29 Manchester Street in the I-1 (Industrial), Flood Hazard Conservation and Aquifer Conservation Districts. Tax Map 2D, Lot 004. Case #PB2019-12.

Tim Thompson said the subdivision plan was originally approved on January 16, 2018, and was signed by the Planning Board. The plan was not recorded at the Hillsborough County Registry of Deeds because property owners did not agree to the required easements. The applicant now seeks to amend the approved subdivision plans to reflect agreed-to revisions to the proposed drainage easements shown on the original plan.

James Petropulos, Civil Engineer, Hayner/Swanson, Inc., said there is a 110,000 s.f. four-story office building on the 27-acre property. In 2018, the property was subdivided into two parcels: 3.75 acres/215 spaces for Southwood and 23 acres for Pennichuck. The drainage had a slightly different configuration. The applicant seeks to re-approve

the project to change the shape of the easement and storm water management maintenance recommendations to allow the area to grow in naturally.

There was no public comment.

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 4-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Bill Boyd.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 4-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Neil Anketell.

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department, as applicable;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
5. The applicant shall address any forthcoming comments from the Police Department, as applicable;
6. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
7. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
8. The applicant shall address any forthcoming comments from the Department of Public Works, as applicable.

The following general and subsequent conditions are also placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;

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

4. Pennichuck Water Works, Inc. (applicant) and The Southwood Corporation (owner) – Review for acceptance and consideration of a two lot subdivision. The parcel has not been assigned a property address, but has frontage on Daniel Webster Highway and Manchester Street in the I-1 (Industrial), and Aquifer Conservation Districts. Tax Map 1D, Lot 001. Case #PB2019-11.

The applicant proposes to subdivide the existing lot into two parcels, cutting off 10.1 acres with frontage on D.W. Highway south of Harris Pond and leaving 67.8 acres to remain as is. The proposed lot would be reserved for future development and would be serviced by public water (Pennichuck) and private septic.

James Petropulos said 16 D.W. Highway is located just north of the Nashua border. The 78-acre wooded watershed property is uniquely shaped and has a self-imposed buffer. There is a 40' grade change from north to south. In 2015 seven acres were subdivided for the Pennichuck operations facility. Access to the new lot would be via Harris Pond Drive. The remaining 67.8 acres would remain in a natural state. There are access and utility easements between the two properties.

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 4-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Neil Anketell.

There was no public comment.

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 4-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Neil Anketell.

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2. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department, as applicable;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;

6. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
7. The applicant shall address any forthcoming comments from the Department of Public Works, as applicable;
8. The applicant shall address any forthcoming comments from Pennichuck Water Works, as applicable;
9. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall add a Planning Board signature blocks to the plan for “Chair” and “Vice Chair” per the Board’s current structure;

The following general and subsequent conditions are also placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
 2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
- 5. John Flatley Company (applicant) and Gilbert Crossing, LLC (owner) –** Review for acceptance and 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 #PB2019-13.

There would be only three voting Planning Board members (no quorum) if Robert Best recused himself, as he has in the past for all previous applications for this applicant.

At the applicant’s request, the Board voted 3-0-1 to continue this item to May 21, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Bill Boyd and seconded by Alastair Millns. Robert Best abstained.

- 6. Cellco Partnership D/B/A Verizon Wireless (applicant) and Brett Vaughn Revocable Trust (owner) -** Conceptual discussion of a site plan for a new telecommunications tower. The parcel is located at 123 Wilson Hill Road in the R-1 (Residential) District (by the Zoning Map). Tax Map 4A, lot 023. Case #PB2019-14.

Tim Thompson said that, on February 27, 2019, the Zoning Board of Adjustment (ZBA) granted a Special Exception to permit a telecommunications tower in the Residential District. The tower is required to be camouflaged in a flagpole style. Since the applicant must update the plans to reflect that the Oak Ridge subdivision has been recorded, a formal application may come to the Planning Board in June 2019.

Bill Boyd asked whether he should recuse himself because he was an abutter opposing another company's proposed tower on Joppa Road in 2014. Chairman Best stated that, since this is a conceptual discussion that requires no action and Bill Boyd has no pecuniary interest, he need not recuse himself, but he should do so if there is perceived bias. Tim Thompson added that this is a different service provider. Attorney Victor Manougian, McLane Middleton, had no issue with Bill Boyd's decision to sit on the Board for this discussion.

Attorney Manougian said the 125'-high tower would be referred to as a flagpole style tower rather than a unipole or monopole in the upcoming formal application plan set. The antennae would be inside the tower. The applicant will fix the current lot line and numbering configuration on all sheets, not just on the site plan; change the road name from Black Oak Road to Whitetail Ridge; provide a signature block for Merrimack, not Bedford; and provide lines for the Chair and Vice Chair. The applicant will request that staff not place this item on an agenda until June 4, 2019.

Chairman Best noted that the ZBA approved the use; the Planning Board's role is to review the site plan.

Attorney Manougian and Brian Ross, Real Estate Acquisition Specialist, Verizon Wireless, said access would not be on any new lot but on the first 100' of the existing Vaughn driveway and a new gravel drive behind the tower. Verizon will share the Vaughn easement to continue the driveway. Existing overhead utilities will transition to underground utilities at the rock wall (which may be removed) up to the cell site. The pond is in front of the Vaughn home. There would likely be no flag flown on the facility. There would be a propane generator with a 500 gallon tank. The transformer would be mounted on the ground. Chairman Best suggested a spill protection plan.

Derrick Creasar, Hudson Design Group, described the transformer, which would not be harmful, and how the tower would be bolted on. When questioned about possible leaks, Attorney Manougian explained that battery backups would work for 6-8 hours, after which the generator would turn on. In response to a question about blasting for the tower construction, Derrick Creasar said the pole mast would be in a 6' deep hole that can be dug by a backhoe because it would not go deep into solid rock. Hammering would be used if the backhoe were inadequate. Chairman Best noted that there is significant opposition from neighbors about blasting and that the Planning Board must discuss and approve it.

Brian Ross said there would be no illumination of the facility other than a motion-sensitive flood light on a timer directed at the base. There would be no regular lighting after dark, as it would only be needed for maintenance activity periodically.

Attorney Manougian said there would be a perimeter fence with emergency signs only. "No trespassing" signs are not planned.

Chairman Best suggested that the applicant provide coverage maps for the June 4, 2019 meeting.

Tim Thompson stated that the access road will likely need to be 16' wide per Fire Department requirements. The Fire Department will comment on the 12'-wide Vaughn

driveway and the 20' x 20' turnaround. Attorney Manougian said the driveway would be amended to be 16' wide; he will research the turnaround regulations. Chairman Best explained that the Fire Department must approve the access before the Planning Board does.

Brian Ross explained that the tower/flagpole would be painted gray to minimize seeing it above the tree line.

Public comment

Jim Wood, 119 Wilson Hill Road, was concerned that there are only a few trees left now that the residential development is underway and asked that the balloon test be redone.

Sean Lynch, 120 Wilson Hill Road, claimed the coverage gap is in Amherst rather than in Merrimack. He suggested moving the tower to the significant acreage deep in the woods.

Attorney Manougian said driveway location was determined by need, RF coverage and where the landlord wants the tower on his property. There are still many trees between the house and proposed tower location. Trees would be cut only on the fenced-in compound area. The tower will not be moved nor will there be another balloon float, which was done for the ZBA in December 2018. The top of the hill has enough cover. What can be seen far away would not change. The applicant will provide photos of the balloon test at the June 4, 2019 meeting.

Brian Ross said he will provide exact elevations of the site and Wilson Hill Road as well as comparisons to other Verizon towers in Merrimack at the June 4, 2019 meeting.

Derrick Creasar said the pole diameter would be 5' at the base and taper to 3' maximum at the top. Attorney Manougian added that it is sized to fit other carriers' equipment. Brian Ross said there would be a 4' x 11' concrete pad within the compound for each carrier. Everything would fit into the compound's equipment cabinets. Tim Thompson explained that, according to relatively recent State law, the Planning Board has no jurisdiction to review other co-located carriers, it is a building permit process only. Chairman Best suggested that the Board impose conditions of approval that address future carrier development and chemical and oil safety.

Attorney Manougian said there would be gravel inside the fence. There would be no noise during operations. The ZBA determined that the generator can be tested only in the early afternoon once a week. Generators are not shared. Derrick Creasar explained how 30 kilowatt capacity was determined and what kilowatts future carriers would have. There is room for future cell development.

Brian Ross said there is no way to extend the pole, but the height can be increased by 10% with a building permit if there is a temporary tower first. The height would probably not increase for the five available spots. Tim Thompson cited RSA:12K, which simplified the co-location processes, including the 10% height increase.

Chairman Best suggested noting that the tower would be powered only by propane and that there would be no oil or diesel tanks or anything that would leak underground.

Attorney Manougian said a truck would go to the site to re-fill the generator. Tim Thompson suggested coinciding the hours for propane tank re-filling with the ZBA limitation of generator testing (early afternoon once a week).

7. Planning Board Workshop – Site Plan Regulations: Discussion and review of draft Sections 1 through 3 of the proposed new regulations

Tim Thompson explained that the sections related to site plans are proposed to be removed from the Subdivision Regulations, and new separate Site Plan Regulations adopted. He presented the rationale for suggested changes to the Site Plan Regulations, based on comments from peer review and design consultants and the Planning Board's comments from April. The proposed language also implements several Master Plan recommendations. He anticipates review of Sections 4-7 in June 2019 with public hearings in July or August 2019. The Planning Board commented on the suggested changes and proposed others that Tim Thompson agreed to draft.

8. Discussion/possible action regarding other items of concern

None.

9. Approval of Minutes — April 16, 2019

The minutes of April 16, 2019, were approved as submitted, by a vote of 3-0-1, on a motion made by Alastair Millns and seconded by Neil Anketell. Bill Boyd abstained.

10. Adjourn

The meeting was adjourned at 9:25 p.m., by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Bill Boyd.