



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

TUESDAY, JULY 8, 2014

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Stanley Bonislowski, and Desirea Falt.

Planning Board members absent: Michael Redding and Alternate Nelson Disco.

Community Development staff: Assistant Planner Donna Pohli and Recording Secretary Zina Jordan.

#### 1. Call to Order

Robert Best called the meeting to order at 7:30 p.m.

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

None.

**3. Keach-Nordstrom Associates, Inc. (applicant) and Valleyview Revocable Trust, Carol Maggio, Trustee (owner)** – Discussion and possible action regarding a request for a reinstatement of conditional final approval and a six-month extension for compliance with conditions of an approval granted by the Planning Board on July 23, 2013 to subdivide one lot into two single-family residential lots located at 15 Valleyview Drive in the R (Residential) District. Tax Map 5C, Lot 142.

Donna Pohli explained that, upon the Community Development Department's notification that conditional final approval had lapsed, the applicant requested reinstatement and extension.

Tony Basso, Vice President, Keach-Nordstrom Associates, Inc., said that he was focused on an ongoing project on separate lots. Due to unforeseen circumstances beyond his control, he was unable to meet the (minor) conditions by the expiration date of January 25, 2014. They have now been addressed and the applicant is ready to begin. There are no improvements and nothing has changed.

Alastair Millns asked whether the concerns expressed at the July 23, 2013, meeting by Steve Amick, 11 Valleyview Drive, had been addressed. Tony Basso said the road was extended and paved. A future emergency access road will link the two Valleyview Roads. It will not be a through road. The water line will be extended. He is addressing the slope bleeding as requested by Deputy Public Works Director/Town Engineer Kyle Fox. The under-drain will be extended down the side. Certificate of Occupancy for the lots on the other project is contingent upon completion of the work, which should be soon. The building lot will be far from the Amick residence. This property was purchased at a

Town auction and the road is being extended to provide legal frontage. The lot is large enough to subdivide. The Public Works Department is supervising the work.

Alastair Millns noted that Steve Amick's concern was runoff and work impinging on his property. Tony Basso responded that the work does not impinge on that property in any way. Chairman Best added that conditional final approval did not ask Keach-Nordstrom to address Steve Amick's concerns. Stanley Bonislawski said that every time a new house is built, water runs down both sides of the hill into basements. The easement below the property and across the way did not work. Tony Basso explained that was from a different project. The applicant originally wanted to create three lots and a through road. The easement was needed because a road could not be built within the 50' right-of-way. Now runoff and the bleeding slope go to a stormwater management system/collection site. Stanley Bonislawski noted Technical Comment #7: ". . . MVD's requirement that the main water line is to be extended from the north end of Valleyview Drive to the south end via the emergency access roadway". Tony Basso replied that the applicant rather than Merrimack Village District (MVD) is doing that. The road pitches down and everything is collected at the stormwater treatment and detention area, which has already been constructed. Keach-Nordstrom and the Public Works Department (PWD) both checked on it.

Chairman Best explained that, since reinstatement would cover the six-month extension from January 23, 2014 to June 23, 2014, the applicant would need an extra two months. He noted that staff recommends extension to January 8, 2015.

Peter Julia, Project Manager, Keach-Nordstrom Associates, Inc., said conditions were met with the exception of a State Subdivision Approval number. The applicant submitted it and is addressing comments. Approval should be granted in the next two months, so an eight-month extension would work. The comments are to do an auger test for the depth of ledge and to show septic locations on the two lots.

### **Public comment**

Shauna Amick, 11 Valleyview Drive, said the family moved to this location at the end of a dead-end street because there would be no cars and they would not have to worry about their special needs child running into traffic. The trees on the property abutting their home were cut down, making a one-lane road that extends off the dead-end street. Over the last two years traffic using this one-lane dirt "emergency access" road has increased dramatically, even with an "emergency and authorized vehicles only" sign. Many people are using it as an accepted Town street, making it dangerous for children. Cars and trucks speed up and down the hill with no concern for pedestrians or other vehicles, using the middle of the street instead of driving on the right. Traffic begins at 6:30 a.m. and continues all day into the evening. An 18-wheeler delivering lumber to the new house and three other cars coming home from work were on that road tonight. The paved road comes past the Amick's driveway. They were told that it would be a 10'-wide paved emergency road. Given that the dead end is on a steep hill and involves a sharp curve in the road, there is a dangerous blind spot for vehicles and pedestrians on the dead end. As long as the dead end is used as a two-way Town road, it is unsafe for the Amick's children. Moving out of Merrimack is not an option. Living on the edge of a construction site has greatly reduced curb appeal and made the home's resale close to impossible. Michael Maggio, FHB Consulting, told the Amicks they would have to deal with the

situation until construction is over. The Amicks request that the Planning Board stop the dead end from being used as a two-way Town road, place conditions on the access road, finish and block it before completion and occupancy of the five new houses.

Stanley Bonislawski agreed that it is not really an “emergency” road because the neighbors cannot be stopped from using it. Not paving the road would slow traffic.

Alastair Millns asked whether the Amicks spoke to the Police Department. Shauna Amick explained that she did not want to because she prefers to handle the matter the right way and does not want to be difficult. She did speak to the Police when a very large dump truck parked on the Amick’s property for over 24 hours. The Community Development Department said they did not have immediate enforcement power. The Police said the truck was part of construction. Her husband spoke to someone who had the truck removed.

Chairman Best stated that the road should not be used that way. Tony Basso said he could restrict its use by construction workers, which can be made a condition of approval. He agreed the applicant must respect the neighbors and this absolutely should not be happening. The Fire Department required that connection, but did not want a locked gate. He would be willing to install an iron gate, but doubts the Fire Department would approve. Use of the road by non-construction vehicles is a police issue. The road was never connected at the top. Residents wanted one end changed so that emergency vehicles would know where to go, but at last year’s meeting, the Fire Department objected to a gate. The only solution is to notify the police and have them drive by every once in a while. It is for emergency access only. If police stop the residents, they will not repeat the offense. Shauna Amick said the bulk of the traffic is construction-related. The construction workers drive around the two barrels. Tony Basso said it is up to his client to police that. Chairman Best agreed the applicant could commit to that on the plan, but there is no way to control the neighbors unless there is a police presence. Tony Basso said there would eventually be a 12’-wide gravel road. Tom Koenig suggested that the Amicks contact the Town Safety Committee, which has representation from the Public Works, Fire, and Police Departments.

Shauna Amick asked about finishing the emergency road before building the houses. Tony Basso explained that the 12’-wide gravel path would be built after the water line extension is completed. Tom Koenig said the road that was torn up by the Amicks house should also be finished. Tony Basso said a water main has to be connected to that house. Shauna Amick worried that the road would be torn up again.

Lynn Christensen asked about installing speed bumps. Tony Basso has heard of but not seen gravel speed bumps, but they might create water bars that would impede drainage. Lynn Christensen saw some with channels for water. Chairman Best suggested a speed bump at 11 Valleyview Drive.

Chairman Best asked whether the Planning Board wanted a compliance hearing to ensure that Tony Basso’s promises are kept. Tony Basso said he could do so in six weeks. Pete Julia represented the applicant at last year’s hearing. He said Valleyview Drive was not paved last year. One portion of the road was in poor repair. Now the road is paved and has curbs. That section of the road is not completed because the under-

drain on the back side of the road is new. Last year the construction site was disturbed. It is now stable with grass, drainage and stormwater treatment.

Alastair Millns said that last year the Planning Board stated that the road must be completed before Certificate of Occupancy, but Tony Basso said that was for the other section. Chairman Best added that this section is not subject to that requirement.

Given that there have been no changes to any Ordinances or regulations that impact this project, staff recommends that the Board grant the request for reinstatement of conditional final approval and a six-month extension, effective from July 8, 2014, creating the new deadline of January 8, 2015, and that it place the same conditions outlined in the July 18, 2013, decision letter on this extension.

**The Board voted 5-1-0 to reinstate and extend final approval to September 30, 2014, with the additional condition that a compliance hearing occurs before September 30, 2014, to verify that the applicant controls its contractors' use of the emergency access lane, the construction of the access lane, and the addition of the water line, and to make sure the existing road is restored to its original condition or better per the Administrative Approval dated August 24, 2012, on a motion made by Stanley Bonislowski and seconded by Alastair Millns. Tom Koenig voted in the negative.**

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

Chairman Best announced that the Bicycle and Pedestrian Committee met for the first time and elected Desirea Falt as Chair. Other attendees were Robert Best, Nelson Disco, Alastair Millns and PWD Director Rick Seymour. The committee will meet once monthly and report to the Planning Board.

#### **5. Approval of Minutes – June 3, 2014 and June 17, 2014**

**The minutes of June 3, 2014, were approved, as submitted, by a vote of 6-0-0, on a motion made by Tom Koenig and seconded by Lynn Christensen.**

**The minutes of June 17, 2014, were approved, with one change, by a vote of 6-0-0, on a motion made by Stanley Bonislowski and seconded by Alastair Millns.**

#### **6. Adjourn**

**The meeting adjourned at 8:35 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Tom Koenig.**