



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

DRAFT MINUTES

TUESDAY, OCTOBER 18, 2016

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, and Alternates Nelson Disco and Jeff Sebring.

Planning Board members absent: Michael Redding, Desirea Falt and Vincent Russo.

Staff present: Assistant Planner Robert Price and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m. and designated Nelson Disco and Jeff Sebring to sit for Michael Redding and Desirea Falt, respectively.

2. Planning & Zoning Administrator's Report

None.

3. Ryan Sarratori of Brown Bear Guns, LLC. (applicant) and Michael MacBrayne (owner) — Review for acceptance and consideration of Final Approval of a home occupation to permit a gunsmithing business. The parcel is located at 20 Burt Street in the R (Residential) and Aquifer Conservation District. Tax Map 5C, Lot 103.

Ryan Sarratori stated that he would not sell firearms; he would just do gunsmithing work, mainly cleaning and repair. He would not use live ammunition, just dummy rounds/snap caps. He would make the business as safe as possible. There would be one customer a week, mostly friends. Ryan Sarratori has applied to the Bureau of Alcohol, Tobacco and Firearms (ATF) for a federal firearms license. Merrimack Police and ATF have done a background check. ATF did an inspection a month ago to check that the room is lockable and there is safe storage. Everything has been approved. Planning Board approval is the last step before granting a license. Ryan Sarratori will install a gun safe; the ATF did not mention an alarm system. Robert Price noted that an alarm system was a condition of approval for the last home occupation to permit a gunsmithing business. Ryan Sarratori, who worked for an alarm company, said that alarms fail. He has two dogs. Chairman Best said an alarm system would comfort the neighbors and provide one more level of protection.

Ryan Sarratori said there would be no employees other than himself. In the military, he was an armorer. His personal firearms are kept in a separate room unloaded. They have no trigger locks. ATF requires them only for sales of long guns. Chairman Best noted that the applicant can store personal guns any way he wants.

Board questions elicited the following information. The applicant leases his unit from his in-laws. He will not advertise, but get business by word of mouth and business cards and by joining a local gun club. He is not interested in having a large business. He would go to a firing range to test firearms and would do only a small amount of powder coating. The area proposed for parking would be paved. It is 30' from the road to the fence, so there is no problem with a snow plow or truck. Four cars park there now, three on the non-paved area. Operating hours would be 5:00 p.m.-7:00 p.m., Monday-Friday (no weekends), when the applicant is home from his full-time job.

Public comment

Chairman Best read into the record a letter from Theresa and Anthony Dupont, 19 Burt Street, who oppose the home occupation. They disapprove of this type of business in a personal residence in a neighborhood with many children in the street and a school bus stop in front of the applicant's home. It could be alarming for children to see people coming and going with guns. There would be too much traffic for the neighborhood, which is quiet and family-oriented. This business belongs in a commercial site.

Scott Peabody, 4 Burt Street, opposes the home occupation. He agrees with the Duponts that a gunsmith business is not a good idea in a residential neighborhood where the homes are close together. It would be target for break-ins and thefts and could affect property values.

Richard Fredette, 6 Little John Court, opposes the home occupation. Business could increase and create more traffic in a very quiet neighborhood. There is not much of a parking lot. He is concerned about safety. Alastair Millns said two similar businesses that started in homes and were successful have moved to commercial space. Chairman Best added that ATF and the police look into those points when they check safety. More than half of ATF businesses in the U.S. are run out of homes.

Tammy Call, 8 Little John Court, asked how the neighbors could be sure the business would remain small. Chairman Best explained that the Planning Board approves hours of operation, size, and number of employees. The applicant must return to the Board if he wishes to make changes. The Planning and Zoning Administrator looks into complaints and writes a letter to the applicant if he does not meet the conditions of approval. Ryan Sarritori would lose his federal license if he moves, so he is wedded to this site. Alastair Millns added that a home occupation approval cannot be transferred to a house; it belongs only to an individual. Chairman Best stated that the applicant cannot sell the business to someone else.

Chris Macfarland, 12 Friar Tuck Court, supports the home occupation, likening it to a mechanic working on a car. No guns would be sold. Children would not see firearms because responsible gun owners carry them in a case. There is no safety issue. There would be a gun safe. Merrimack is not a high-crime area. There would be only one gun at any given time. There would be no advertising. This would be mostly a hobby rather than a big business. Neighbors' objections are not realistic.

Chrysanthé Dikos, 21 Burt Street, opposes the home occupation. As a small business owner herself, she wants this business to be in a commercial zone. The school bus stops at the corner. Burt Street is the only street in Merrimack without lights and is dark. She asked if customers would park on the street. Chairman Best informed the neighbors that professional and service types of businesses are allowed in a residential zone as home occupations. This business is in that category.

Don Monroe, 12 Burt Street, opposes the home occupation. He does not like the idea of this type of business or storing other people's guns in a small neighborhood.

Lisa MacBrayne, 20 Burt Street, supports the home occupation, stating that Ryan Sarratori is probably one of the safest gun handlers ever. He addressed all her concerns about having a weapon in the house. She now sees guns as a level of protection. The family made a rational decision in choosing to live in this neighborhood of loving families. They are more concerned about speeding cars on Burt Street than a careful ex-military person. Ryan Sarratori proved to Lisa MacBrayne how safe he is.

Mary Henault, 8 Burt Street, opposes the home occupation. She wants nothing to do with guns in a quiet residential area with no lights. Guns attract bad people, who come looking for things. There may be noise. Chairman Best said that Planning Board practice has been to require an alarm system as a condition of approval. The guns would not be fired. There would be no bullets, just a dummy that would be inserted only to see if it fits into the gun. Testing would be done at a firing range. Mary Henault asked about outdoor lights, which Chairman Best said neither ATF nor the Police Department mentioned. The Planning Board could require them. The applicant must meet the conditions of approval and get a license before opening the business. There is much scrutiny by the ATF; it is difficult to get a license.

Sean Garrity, 3 Friar Tuck Court, opposes the home occupation. He reiterated his neighbors' concerns. Burt Street is narrow. His concern is customers parking in the street, causing more congestion and opportunities for accidents. Robert Price stated that no parking is allowed off the property/on the street for a home occupation. Chairman Best added that customers would not hang around, just drop off and pick up their guns.

Laurie Monroe, 12 Burt Street, opposes the home occupation for safety reasons. Street numbering is not sequential. There should be lighting to mark the house at night. She does not want someone with a gun showing up at her house instead of #21. Chairman Best said that lighting could be made a condition of approval.

Stephen Lagasse, 25 Burt Street, opposes the home occupation. He agreed with Sean Garrity. There is enough traffic now. His concern is that customers would park anywhere. The quiet, residential, non-commercial neighborhood would be lost. It would be different if the houses were far apart but in this neighborhood they are close together. People usually have several guns and would be carrying them in addition to the one being dropped off. Chairman Best noted that the applicant could also do business on a rod and gun club site.

Ryan Sarratori reiterated that hours of operation would be 5:00 p.m.-7:00 p.m., Monday-Friday. He is renting his living space, but it is in his family's house and the ATF requires a lease agreement. The family are all part of the neighborhood. Ryan Sarratori does not want to impact a welcoming community in a negative way. If he had the funds, he would start in a retail area and will do so if his business is successful.

Alastair Millns agreed that the street numbering is chaotic. He feels a motion sensor light on the house to warn that someone is coming as well as an alarm system should be required. The applicant said there are four flood lights on the house that he would keep on during business hours as well as a 6'-high privacy fence at the entrance/backyard.

Nelson Disco repeated that this is an allowable home occupation use in a residential area according to the Ordinance. It will have a very small impact on the neighborhood and create very little traffic. The home in question is one of the few that is clearly marked with 10" letters on the side. No one can miss it. Ryan Sarratori is taking many safety precautions.

Chairman Best noted that this home occupation would have more safeguards than required.

The Board voted 6-0-0 to grant final approval, subject to the following precedent conditions to be fulfilled within 6 months, on a motion made by Alastair Millns and seconded by Jeff Sebring.

1. The applicant shall provide verification to the Community Development Department that the home occupation is covered under either the homeowner's or other applicable insurance;
2. The applicant shall obtain, if applicable, final approvals (including Town Council if required) and any State or Federal licenses required for the operation of the home occupation and provide copies of such to the Community Development Department;
3. No ammunition related to the home occupation shall be permitted on the premises;
4. The applicant shall store any flammable materials in an appropriate "flammables cabinet";
5. The applicant shall dispose of wastes associated with the home occupation in accordance with State/Federal requirements. No discharge of hazardous liquids/chemicals shall be permitted into the Town's sewer system;
6. The applicant shall provide documentation/proof that the home occupation will utilize an appropriate security/alarm system. Such system shall be approved by the Merrimack Police Department before use and a copy of such approval shall also be provided to the Community Development Department;
7. The applicant shall provide documentation/proof that the home occupation will utilize gun safes for the storage of firearms related to the home occupation's operations;
8. Outdoor lighting shall be turned on during business hours (Monday–Friday from 5:00 p.m. to 7:00 p.m.);
9. The residence shall be easily identifiable with appropriate numbering.

4. Discussion/possible action regarding other items of concern

Chairman Best announced the Board has been invited to a November 9, 2016; EDCAC livable community meeting that goes hand-in-hand with the Planning Board's November 15, 2016 complete streets meeting.

Nelson Disco informed the Board that on October 13, 2016, he presented the Town Center Committee's annual report to Town Council, which agreed to consider putting funding for town center sidewalks into the Capital Improvement Program (CIP). Chairman Best complimented Town Council for showing willingness to consider sidewalks.

The Board voted 5-0-1 to recommend to Town Council the reappointment of Karin Elmer to the NRPC, on a motion made by Lynn Christensen and seconded by Nelson Disco. Tom Koenig abstained.

5. Approval of Minutes – September 20, 2016

The minutes of September 20, 2016, were approved, with changes, by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.

6. Adjourn

The meeting was adjourned at 8:25 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Jeff Sebring.