TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to the requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: July 27, 2016

Date of Meeting: August 18, 2016

Submitted by: Dawn Tuomala

Time Required: 10 Minutes

Department: Public Works

Background Info. Supplied: Yes ☒ No ☐

Speakers: Dawn Tuomala

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	☐	Recognition/Resignation/Retirement:	☐
Public Hearing:	☐	Old Business:	☐
New Business:	☒	Consent Agenda:	☐
Nonpublic:	☐	Other:	☐

TITLE OF ITEM

Road Acceptance of Hamilton Court

DESCRIPTION OF ITEM

At the Planning Board meeting on January 5, 2016 per Subdivision Regulations Section 5.01.1(f) the Planning Board has released the performance bond in favor of the two year maintenance bond and recommended acceptance of Hamilton Court by the Town Council. Acceptance of the road is conditioned upon receipt of the two year maintenance bond in the amount of $15,468.48.

REFERENCE (IF KNOWN)

RSA:

Warrant Article:

Charter Article:

Town Meeting:

Other:

N/A:

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	☐	Grant Requirements:	☐
Easel:	☐	Joint Meeting:	☐
Special Seating:	☐	Other:	☐
Laptop:	☐	None:	☒

CONTACT INFORMATION

Name: **Dawn Tuomala**

Address: **Public Works**

Phone Number: **424-5137**

Email Address: dtuomala@merrimacknh.gov

APPROVAL

Town Manager: Yes ☒ No ☐

Chair/Vice Chair: Yes ☐ No ☐

TOWN OF MERRIMACK
INTER-DEPARTMENT COMMUNICATION

DATE: December 30, 2015
AT (OFFICE): Department of Public Works

FROM: Kyle Fox, P.E. KF
Deputy Director/Town Engineer

SUBJECT: **Performance Bond Release for Hamilton Court**

TO: Timothy Thompson,
Community Development Director

A final inspection of Hamilton Court, part of the Cota Subdivision, was performed by the Public Works Department on December 29, 2015. The right of way improvements are found to be in substantial accordance with the requirements of the Town of Merrimack. Hamilton Court is a 181 LF roadway off of Pearson Road, ending in a cul-de-sac.

The Department recommends that, upon receipt of the two-year maintenance bond, that the performance bond for the project be released. The maintenance bond is to be in the amount of $15,468.48 which is 10% of the original bond amount for the project.

The Department additionally recommends that the Planning Board recommend acceptance of Hamilton Court by Town Council in accordance with Section 5.01.1 f of the Subdivision Regulations, with an additional condition that the road be maintained curb to curb prior to the Town accepting the road so that Public Works will not have to remove unplowed snow from the roadway.

Should you have any questions please let me know,
Kyle

EC: James Taylor, Interim Public Works Director
Jillian Harris, Planning and Zoning Administrator
Xenia Simpson, Bond Manager
Robert Price, Assistant Planner
Lori Barrett, Operations Manager
Steve Febonio, Maverick Development
File

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, JANUARY 5, 2016

Planning Board members present: Robert Best, Alastair Millns, Tom Mahon, Desirea Falt, Vincent Russo, and Alternate Nelson Disco.

Planning Board members absent: Michael Redding, Lynn Christensen, and Alternate Jeff Sebring.

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 7:00 p.m. and designated Nelson Disco to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

Regional Impact determinations: The Prime Alternative Treatment Center proposes to convert the existing bank building into a medical cannabis alternative treatment center, as permitted under state law and the Zoning Ordinance. The project proposes no site changes and work is predominantly to the interior of the facility.

The Hilton Subdivision project proposes a two lot minor subdivision, which "legalizes" the situation created by the relocation of Tinker Road when Continental Boulevard was constructed by the State of NH.

Jillian Harris explained the procedures if the Planning Board determines that there is regional impact.

The Board voted 6-0-0 to determine that Prime Alternative Treatment Center Site Plan and Hilton Subdivision are not of regional impact, on a motion made by Alastair Millns and seconded by Desirea Falt.

3. **Anheuser-Busch, LLC. (applicant/owner)** – Review for acceptance and consideration of Final Approval for a modification to a previously approved site plan, to construct four building additions totaling 70,035 s.f. and associated site improvements at the existing brewery. The site is located at 221 D.W. Highway in the I-1 (Industrial), Aquifer Conservation Districts and 100-year and 500-year Flood Hazard Areas. Tax Map 3D, Lot 031

Jillian Harris explained that the Planning Board granted final conditional approval on April 21, 2015. The applicant is proposing to modify the previously approved site plan to improve its overall brewing and packaging capabilities. The four building additions will increase the square footage from 53,000 to 70,035 s.f. Waivers 1-4 were already

granted; waiver request #5 (recording of plan) is new. The period for meeting the conditions of approval was extended.

Tom Zajac, Senior Civil Engineer, Hayner/Swanson, Inc., said the properties surrounding the site are a mix of industrial and municipally-owned properties. The brewery would comprise 600,000 square feet of building area, and 60 acres of utilized land area of the 196 acre property, an increase of 11%. The southern section is undeveloped and wooded. There are 200 full-time employees working in three shifts. Access is at the signal on D.W. Highway. There are 721 parking spaces in front. Phase I would include the 65'-high brewery and specialty grains handling areas (13,000 square feet). Construction of Phase I would begin in the spring of 2016 and conclude by year's end. Phase II would include the warehousing and packaging additions, along with an expansion of the Phase I brewery addition. There would be a new loading area, parking, sidewalk, utility relocation, and two storm water management areas. Disturbance would be 5-8 acres or 3%. No new areas would be disturbed.

A revised storm water study designs drainage flow from the southeast corner to the Merrimack River. Although two acres of impervious area would be added, the amount of water leaving the site would be reduced and the water quality would improve. There would be a second stormwater management area in the courtyard. Flows and volume leaving the site would be decreased. The NH Department of Environmental Services (DES) approved the study and application.

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 6-0-0 to accept the application for review, on a motion made by Desirea Falt and seconded by Tom Mahon.

Tom Zajac explained that a licensed land surveyor could not stamp the plan, since the requirement for a boundary and topographic survey (waiver #1) were waived. Therefore it cannot be recorded at the Hillsborough County Registry of Deeds (waiver #5) because the Registry will not accept a plan that is not stamped.

Nelson Disco asked if there is a perimeter survey on file at the Registry. Tom Zajac did not know; there is none in his office. Sheet 1 would be on file with the Town. Chairman Best suggested trying to record the plan even if it might be rejected.

Nelson Disco asked how the stormwater plan meets with the phasing plan. Tom Zajac stated that new runoff from the courtyard would be accommodated by building a subsurface stormwater management area in the west. Because of the phasing, the warehouse area would remain the same, but a smaller system in the courtyard area would be added to accommodate the roof, sidewalk and grass areas. If the project were to stop at the end of Phase I, stormwater would still improve.

Nelson Disco asked whether changes in the brewing effluent had been reviewed with the Wastewater Department. Tom Jokerst, Anheuser-Busch said it had not because there is capacity to handle wastewater. Jillian Harris added that the Wastewater Department had no issues as of December 28, 2015. Tom Jokerst said there would be no radical change to the process in Phase I, just additional flexibility. Nelson Disco

wanted the Wastewater Department to be aware of potential changes. Chairman Best said that, although that could be a condition of approval, there is a lot of capacity. Tom Mahon said the issue is the nature of the effluent. The Town should see whether there would be further impact.

Alastair Millns asked whether the applicant would have to return to the Planning Board to approve Phase II. Tom Zajac will add a note to the plan that there would be no construction details or elevations for Phase II at the time Phase I is signed. Jillian Harris said they would be required before a Building Permit is issued (condition #11).

There was no public comment.

Alastair Millns noted that waivers 1-4 were granted in April 2015, but preferred to defer waiver request #5. If the Registry rejects recording the approved site plan, the Planning Board could grant a waiver administratively.

The Board voted 6-0-0 to waive the requirements of Section 7.05(D)(4) and 7.05(D)(15) – Boundary and Topographic Survey, Section 7.05(D)(19) – Sidewalk or Paved Pedestrian Way, Sections 10.01 and 11.04(2) – Landscaping and Photometric Site Lighting Plans, and to waive conditionally Section 7.06(A) – Recording of Plan – of the Site Plan Regulations, on a motion made by Alastair Millns and seconded by Nelson Disco.

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

The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco.

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant shall obtain all necessary state permits (including NHDES Alteration of Terrain and an updated NHDOT Driveway permit, as applicable), provide copies of the permits to the Community Development Department file, and note the approvals in the notes on the plan;
3. The applicant may be required to address forthcoming comments (as applicable) from the Lower Merrimack River Local Advisory Committee (LMRLAC) if required by NHDES as part of the Alteration of Terrain Permit;
4. The applicant may be required to receive a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), if determined applicable;
5. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
6. The applicant to add a note to the plan indicating that a full set of plans is on file with the Community Development Department;
7. The applicant shall address any forthcoming comments from the Fire Department (as applicable);

8. The applicant shall address all applicable comments from the Town's peer review consultant, CLD;
9. The applicant shall address any forthcoming comments from the Wastewater Division (as applicable);
10. The applicant shall address any forthcoming comments from the Conservation Commission (as applicable);
11. The applicant shall submit building elevations for Phase I subject to review and approval by the Community Development Department staff and add a note to the Master Site Plan that indicates building elevations and construction details will be submitted to the Community Development Department for review and approval prior to any building permits being issued;
12. The applicant shall submit the Master Site Plan to HCRD for recording and if rejected this condition shall be N/A per the waiver granted for Section 7.06(A) – Recording of Plan.

General and subsequent conditions

1. The applicant is responsible for recording the plan or receiving a waiver from the Planning Board (including recording fee and the $25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. If the applicant is not granted a waiver, the applicant is also responsible for providing proof of said recording(s) to the Community Development Department.

4. **Prime Alternative Treatment Center (applicant) and ZJBV Properties LLC. (owner)** – Review for acceptance and consideration of Final Approval for an application for a Conditional Use Permit and waiver of full site plan review to permit a Medical Cannabis Alternative Treatment Center (Non-Cultivation). This site is located at 105 D.W. Highway in the I-1 (Industrial) & Aquifer Conservation District. Tax Map 2D. Lot 021-01.

Brett Sicklick, Chief Operating Officer, Prime Alternative Treatment Center, said there would be no change to the property. The only changes would be internal: adding a handicapped access bathroom on the first floor and converting the concrete wall in the vault to a security window in the patient check-in vestibule. A security plan describing how to mitigate theft of the supply was submitted.

Jillian Harris stated that the Police Department has already reviewed the plan. The Board may approve the Conditional Use Permit (CUP) tonight with their approval as a condition or wait for Police Department approval before approving the CUP. Police approval is a requirement of the CUP.

Public comment

Attorney Brian Major represents the owner of R&H Motors, the abutter to the north who owns two lots. The used car business comprises 6.8 acres with two remaining vacant acres as an investment. It is zoned I-1. This abutter is most affected by the project. Although a Schedule 1 narcotic is allowed by statute, he objects on the grounds that, if recreational marijuana were approved, this parcel would be unsuitable for a CUP. a) He

proposes a condition of approval that would require the applicant to install a fence on the property line so people do not go onto his property. b) He proposes that the applicant maintain the vegetative buffer. c) What will be done with the great amount of cash/deposits next to the automobile business other than putting it in a money safe? Clients should make an appointment rather than walk into the treatment center in order to control the number of people on site, especially if they all show up on the day that Social Security or Disability checks are issued. The presence of high-end cars may attract crime. When the site housed a credit union, cars parked on the vacant lot.

Craig Weisman, S&J Motors, 60 D.W. Highway, was concerned about the type of people getting treatment. This is a quiet end of town that is very dark at night. He is concerned about theft and whether this is the best use of the property. Chairman Best explained that State law allows medical marijuana use for serious medical conditions. There would be 15 people a day. The product would be packaged. The patients would pick up the package, then leave. There would be no use on the site. It is not recreational marijuana nor is it linked either to Social Security or to welfare. Alastair Millns added that there is more risk from young people drinking alcohol, noting that there is a bar near the automobile business. Chairman Best and Alastair Millns stressed that this is not a drug treatment center for addiction. The State does not allow treatment in a medical marijuana dispensary. Brett Sicklick explained that the only counseling is about how to use the new medicine safely. Medical marijuana use must be certified by a physician.

Chairman Best read into the record a letter in opposition from President William Fahey, Thomas More College. The letter cites the federal government's conclusion that such sites are not prudent and so-called therapeutic cannabis has not been subject to FDA scrutiny. The center would be immediately across from the college campus. a) "Drug free zone" rules prohibit such a building within 1,000' of a school. It is contrary to the college's principles banning possession or use of such drugs on campus. b) Thomas More College regularly hosts activities for school children, which would be compromised by creating an insecure environment. c) The presence of this facility would be harmful to the Catholic college's image. Thomas More College anticipates a decline in applications if a cannabis site were established within a few hundred feet of its campus. d) Catholic Pontifical documents on drugs call into question whether such cannabis centers are legitimate or further serve a drug culture. e) Until there is a proper study on crime associated with cannabis distribution centers, there should be a serious obligation by the Town to investigate public safety issues. Thomas More College will consider legal action and peaceful protest and discuss the subject at its January Board meeting.

Brett Sicklick said clients can pay with debit cards rather than cash. There would not be a tremendous amount of cash on hand. The center is not for addicts seeking treatment. No marijuana would be consumed on site. It would be picked up for use in clients' homes. Studies show no increase in crime. Patients would mostly be over 55 years old with extremely debilitating diseases and many would be local. Medical marijuana is therapy like any other medication. The federal government recently decided not to target medical marijuana dispensaries as criminal enterprises.

John Begin, Chief Security Officer, Prime Alternative Treatment Center, compared the dispensary to Rite Aid. Any loitering or use on site would be reported to the Police and

the medical marijuana card would be revoked. Loiterers would be removed. The center wants to be a good neighbor.

In Chairman Best's opinion, Thomas More College students would not be influenced by this facility.

Alastair Millns asked how patients would be registered. John Begin replied that the State lists every registered patient in New Hampshire based on which facility the patient selects. There are many levels of visible and non-visible security.

Chairman Best explained that there are no drug free school zones around colleges. The dispensary is well within 1,000' (850'-900') and directly across D.W. Highway from the College. One of the conditions of the CUP is that the parcel is not in a pre-existing drug-free school zone. Jillian Harris added that the day-care center is not zoned as a "drug free zone" either.

The Board voted 6-0-0 to grant the Conditional Use Permit, with the condition that the Police Chief approve the security plan, on a motion made by Alastair Millns and seconded by Desirea Fait.

John Begin opined that a fence is not necessary. He would intervene if loiterers went onto the abutter's property. There is no reason for a client to leave a vehicle and walk into the neighborhood. A client just picks up the package and leaves the property.

Chairman Best suggested that, although the Planning Board cannot require it, installation of a fence would be neighborly. He asked what if there were overflow parking on the neighbor's property? Brett Sicklick would erect signs if the abutter so wishes. The facility would educate patients to park only on its property. The number of patients would not exceed the number of parking spaces. Trespass would be immediately addressed. There would be a maximum of 25-50 patients a day, with no more than 100 after 1-2 years. An appointment must be made for the first visit; after that, none is necessary if the need for medicine arises. Hours of operation would be 10:00 a.m.-8:00 p.m. six days a week. There would be a maximum of 10 full-time employees. There are 39 spaces: 10 for employees and 29 for patients.

John Begin said cameras and staff would monitor parking and he could post a "no parking" sign.

Brett Sicklick said he would decommission the drive-thru lanes. They would still be there, but he will post signs. He would remove them at the Planning Board's request. Alastair Millns wanted to install a steel bar/barrier. Nelson Disco wanted the drive-thru lanes removed. That would make room for additional future parking.

Nelson Disco asked about signs and advertising. Brett Sicklick said there would be no neon or flashing signs, just identification with name, address and logo *per* State law. The previous tenant's sign would be removed.

John Begin said more lighting would most likely be needed than what exists. He will study the conditions and lights if necessary at the parking lots, entrances and accesses.

Chairman Best instructed the applicant to put titles and page numbers on the documents submitted with the application and to address the narrative to him.

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 6-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Desirea Falt.

There was no public comment.

Alastair Millns said that, although there is no need for full site plan review, police approval and a lighting plan are necessary. Chairman Best suggested that staff approve a lighting plan, which Jillian Harris confirmed.

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 6-0-0 to waive full site plan review, with the following conditions, on a motion made by Alastair Millns and seconded by Tom Mahon:

1. That the applicant submit a lighting plan to the Community Development Department should any changes be proposed to existing lighting on site before plan signing;
2. That the drive-thru be removed and may be used for future parking if needed.

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

The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Desirea Falt.

1. Final plans to be signed by the Applicant and Property Owner;
2. Applicant shall obtain all required State permits (including an updated NHDOT Driveway Permit or written verification from NHDOT District 5 that the permit does not need to be updated), provide copies of the permits to the Community Development Department and note the approvals in the notes on the plan;
3. Any waivers granted (including Section and date granted) or any changes requested by the Board shall be listed and fully described on the final plan, as applicable
4. Applicant shall address any forthcoming comments from the Conservation Commission, Assessing Department, Building Department, Fire Department, Police Department, Wastewater Division, and Pennichuck Waterworks, as applicable;
    a. Police Department review and approval of the Security Plan is required for Planning Board final endorsement of the Conditional Use Permit;
5. The applicant shall address the following staff technical comments:

a. The plan indicates that the entry and exit directional signs are not within the property, and are in the DOT right-of-way. Based on correspondence from the applicant, the signs will be removed from the right-of-way. The plan should be updated to reflect this;

b. Please add the parking requirement (1 space per 250 square feet) to the parking note;

c. Please add a note to the plan indicating that the site plan, security plan and all related application documents are on file with the Merrimack Community Development Department;

d. Please add notes and/or clarify the plans to indicate the drive-thru will not be used by the facility, and provide for any changes to the drive-thru area as may be directed by the Planning Board;

e. Please add a traffic flow arrow (or arrows) to the southerly driveway to clarify the intent of the access as either one-way or two-way access

f. Please note the water and sewer source on the plan (currently on a separate

g. Assuming the Board grants the waiver of full site plan review, the plan will not be recorded at the registry. Please remove the "reserved for us by the Registry of Deeds" "box" which can be utilized for additional notes as recommended herein.

6. The applicant shall submit a lighting plan for review and approval by the Community Development Department should any changes be proposed to the existing lighting on site;

General and subsequent conditions

1. Any proposed signage shall comply with the requirements of Section 17.10 of the Zoning Ordinance (including the requirement for all required sign permits) and shall be subject to the applicable requirements of the NH Health & Human Services Department (DHHS) Administrative Rules (He-C 400, as most recently published or amended by DHHS) pertaining to Advertising Restrictions.

2. The building on this property shall comply with all current NFPA codes for its intended use. This includes emergency lighting, fire alarm and sprinkler system additions/changes and fire extinguisher placement.

5. **James M. O'Neil LLS, TF Moran Inc., (applicant) and Beverly D. Hilton Revocable Trust and George L. Hilton Revocable Trust (owners)** – Review for acceptance and consideration of Final Approval of an application for a two lot subdivision. This site is located on Tinker Road in the R-1 (Residential), and Aquifer Conservation Districts. Tax Map 2C, Lots 110 & 110-01.

Jillian Harris explained that Planning Board action is after the fact. When the NH Department of Transportation (DOT) relocated Tinker Road, they cut through Lot 110, leaving behind the two subject lots. The resulting layout was not what was originally

intended and was never formalized by way of a subdivision plan thereafter. The application before the Board would formalize the existing conditions and clear the title.

Attorney Greg Michael, Bernstein Shur, said the State created a *de facto* subdivision. The issue is size, for which the Zoning Board of Adjustment (ZBA) granted a variance on December 30, 2015. He will get the required approvals for septic systems. The subdivision has Town water.

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 6-0-0 to accept the application for review, on a motion made by Desira Falt and seconded by Tom Mahon.

Attorney Michael said the applicant received a very small compensation from the State for its "taking". The plan was to run town sewer there, but the funds dried up. The lots would not be of suitable size. A piece that was truncated was owned by the State and the client would like to buy it back.

Alex Camm, T.F. Moran, said the State took Tinker Road and he does not know if they gave it back to the Town. Tom Mahon said it is part of the Town road system. The State never told the Town what it did. Alex Camm said the road was built in 1993.

Attorney Michael stated that there are no sidewalks in this very rural area. The lots already exist. A "sidewalk to nowhere" would be a significant hardship.

Alastair Millns cited the criterion that specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Board voted 6-0-0 to waive the requirements of Section 7.05(D)(19) – Sidewalk or Paved Pedestrian Way – of the Site Plan Regulations, on a motion made by Alastair Millns and seconded by Desirea Falt.

There was no public comment.

The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco.

1. The Applicant shall note the variances granted by the Zoning Board of Adjustment to allow lots that do not meet the lot requirements of Section 3.02 of the Zoning Ordinance on the plan;
2. Final plans and mylars to be signed by all property owners;
3. The Applicant shall obtain all required State permits, provide copies of the permits to the Community Development Department and note the approvals on the plan;
4. The applicant shall note all waivers granted by the Board on the plan (including Section, and date granted) as applicable;
5. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;

6. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
7. The applicant shall address any forthcoming comments from the Building Department, as applicable;
8. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
9. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
10. The applicant shall address the following comments from the Public Works Department:
    a. Per subdivision reg 4.17 paragraph f, all frontage bounds shall be concrete or granite, with minimum dimensions of 4" x 4" x 3'. The bounds should protrude above the finished ground surface 4 in. if in land to be mowed, 6 in. if in land not under cultivation, or 12 in. if in woodland.
    b. The plan should be updated to show concrete or granite bounds instead of iron pins.
    c. A right of way permit will need to be obtained from the Highway Division for the proposed waterline crossing Tinker Road.
11. The applicant shall address any forthcoming comments from the Conservation Commission as applicable;
12. The applicant shall address the following Planning Staff Technical Comments:
    a. Applicant to revise Note 4 to indicate that the subject parcels are located in the R (Residential) District and also the Aquifer Conservation District.
    b. Applicant to add the 25' wetland buffer per the requirements of Section 2.02.7 (b) of the Zoning Ordinance (the 40' wetland setback is shown, but the buffer is missing);
    c. Applicant to add a note to the plan indicating that the plan is to be recorded at HCRD and that a copy is on file with the Community Development Department;
    d. Applicant to add a note indicating that prior to disturbance or issuance of a building permit a stormwater management plan shall be submitted to the Community Development Department for any tracts of land resulting in a total disturbance of 20,000 or more s.f. of land, per Chapter 167 of the Merrimack Town Code.

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.

6. Discussion/possible action regarding other items of concern

The Board voted 6-0-0 to release the two-year Hamilton Court performance bond, accept the $15,468.48 maintenance bond, recommend acceptance of Hamilton Court by Town Council, and that the road be maintained curb to curb prior to the town accepting the road, on a motion made by Alastair Millns and seconded by Nelson Disco.

Nelson Disco asked the public for volunteers for the vacant seat on the Lower Merrimack Watershed Local Advisory Committee.

7. Approval of Minutes – December 15, 2015

The minutes of December 15, 2015, were approved, as amended, by a vote of 6-0-0, on a motion made by Desirea Falt and seconded by Alastair Millns.

8. Adjourn

The meeting adjourned at 8:55 p.m., by a vote of 6-0-0, on a motion made by Tom Mahon and seconded by Nelson Disco.