



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, APRIL 19, 2016

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

Planning Board members absent: Michael Redding and Lynn Christensen.

Staff present: Community Development Director Tim Thompson, 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.

Chairman Best welcomed Alternate Town Council Representative Bill Boyd back to the Board.

2. Planning & Zoning Administrator's Report

Tim Thompson and Jillian Harris described agenda items #4-#7 and added that staff recommends the Planning Board determine they are not of regional impact.

The Board voted 6-0-0 to determine that the projects listed as Items 4-7 are not of regional impact, on a motion made by Alastair Millns and seconded by Desirea Falt.

Chairman Best announced that item #3 would be heard after item #7.

4. BAE Systems Information I & E (applicant/owner) _ Review for acceptance and consideration of a waiver of full site plan review to construct a 2,086 sf. addition and 9,417 sf. addition to the MER23 building at the BAE Systems campus. The parcel is located at 130 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 006.

This agenda item was taken up after agenda item # 2.

Jillian Harris explained that the applicant is proposing two small additions to the MER23 building and seeks a waiver of full site plan review as the boundary of the entire property is not shown on the plan.

Brian Jones, Allen & Major Associates, said the addition to the MER23 building would consist of approximately 2,000 square feet in front and 10,000 square feet in the rear on the northwest of the campus 1,500' from D.W Highway. Access would be from the interior perimeter road. Existing conditions around the building are parking, pavement,

and utilities. The building would be on top of the back parking lot and the front addition would be on the pavement area. Site development would remove parking in some areas and add new parking areas elsewhere for employees and visitors. Water and sewer would come from the existing building and remain the same, although a drainage line would be relocated. The 2,800 square foot increase in the total amount of impervious area would be mitigated by the addition of a small infiltration basin in the northerly corner of the project area along the perimeter road. All improvements would be within the currently developed area. A requested change would be a 10' additional building area for an electricity room in the rear bump-out. The area of the building would be 55,533 square feet, with the additions.

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 Nelson Disco.

The applicant does not feel a survey for the entire parcel is warranted for the minor additions, which is the reason for the waiver request.

Alastair Millns cited 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 full site plan review, on a motion made by Alastair Millns and seconded by Bill Boyd.

Nelson Disco suggested a condition of approval that the location of MER23 and the 10' additional building area be on the site plan. He asked about the sewer connection and effluent. Brian Jones said there would be a small increase in sewer flow, but the nature of the effluent would be the same and undergo waste water treatment. Dennis Regan, BAE Systems, said that water volume and chemical use would increase 25%. Assembly-type work is done in the building. Tim Thompson stated that there is no exhaust on the building that would release airborne contaminants.

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 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 and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant shall obtain any required State Permits, provide copies of the permits to the Community Development Department, and note the approvals in the notes on the plan (if applicable);

3. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
4. The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
5. The applicant shall address any forthcoming comments from the Building 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 Conservation Commission, as applicable;
9. The applicant shall provide a vicinity plan/map, indicating where the proposed project is located within the BAE campus;
10. The applicant shall address the following planning staff technical comments:
 - a. The applicant shall revise the floor area used in the parking calculations on sheet C-2 to reflect the approved square footage of the building;
 - b. The applicant shall revise the “proposed gross floor area” label on Sheet C-2 (and subsequent sheets) to reflect the approved square footage;
 - c. The applicant shall revise Note 7, Sheet C-2 to indicate that the site is served by Pennichuck Water and Town Sewer;
 - d. The applicant shall add a note per Section 4.06.1(k) with the required statement;
 - e. Applicant to include the following statement that references the Stormwater Management Ordinance: “This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Town’s code of ordinances). A Pre-construction meeting with the Town of Merrimack Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of disturbance in accordance with Chapter 167 of the Stormwater Management Standards adopted by the Town of Merrimack Town Council on July 21, 2011”.

General and subsequent condition

1. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the building addition.
5. **Meridian Land Services, Inc. (applicant) and North View Homes & Development, Inc. (owner)** – Review for acceptance and consideration of Final

Approval for a minor subdivision of one lot into four lots. The parcel is located at 190 Baboosic Lake Road in the R-3 (Residential) District. Tax Map 5B, Lot 045.

Robert Best recused himself from discussing and voting on this item. Alastair Millns assumed the chair.

Jillian Harris said the nine-acre parcel is on both the Class VI portion of Old Blood Road and Baboosic Lake Road. Tim Thompson informed the Board that the Zoning Board of Adjustment (ZBA) granted two variances to permit a four-lot subdivision with two of the lots having frontage on a Class VI road. The original plan sought access to the two lots fronting Old Blood Road *via* Marty Drive. After a meeting with the Public Works Department (PWD), access to the two lots would be *via* Baboosic Lake Road across from Bean Road.

Ken Clinton, President, Meridian Land Services, Inc., said two lots would be on Baboosic Lake Road and two on Old Blood Road. The driveway was changed because of abutters' concerns about access from Marty Drive. It would now be longer and flatter with less impact to the stone walls. There could possibly be a culvert at the exit. The shared driveway would undergo drainage review. The drainage was improved. An old vacant historic house, a leach field and well are on one lot currently. Each lot would be over two acres. The Fire Department has requested that the portion of Old Blood road stretching from Marty Drive to Baboosic Lake Road be renamed, to satisfy E911 requirements.

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 5-0-0 to accept the application for review, on a motion made by Desirea Falt and seconded by Nelson Disco.

Condition #5 states that, if the Board does not determine peer review of drainage applicable, none shall be necessary. Tim Thompson explained that the escrow money was received, but was not sent to CLD yet. Since there would be only minor drainage improvements with a simple design, there is no need for CLD review.

Nelson Disco stated that a sidewalk waiver is not necessary because there could be no future subdivision and because it would be for only two blocks on an arterial road.

The Board voted 5-0-0 that a sidewalk waiver is not necessary, on a motion made by Nelson Disco and seconded by Desirea Falt.

In answer to Board questions, Ken Clinton said there would be town water and private septic systems. Once the driveway is paved, the rest of Old Blood Road would be left as is. Because it is a Class VI road, the public may pass over it. Except where the driveway comes into for Lot 45, the stone wall would remain. The driveway would have more than 300' of sight distance in both directions. A topographical survey was done. The driveway would be brought up to grade at Baboosic Lake Road, which is a negative grade. It is not a closed system. Sheet flow would go off to each side. New gravel would firm up the driveway. Runoff would go south to a culvert under the driveway to a

level spreader that would control the flow. Condition #9a states that the water line running along Old Blood Road shall be private and some type of ownership/maintenance agreement shall be written. The actual maintenance has not yet been decided. The electric utilities would be underground. No one knows how long Old Blood Road has been a Class VI road; it is not traversable. Tim Thompson opined that it was classified by state statute.

Public comment

Jack Rothman, 202 Baboosic Lake Road, suggested a stop sign or traffic light at the four-way intersection. Alastair Millns explained that there could be no light because there are only two houses on the road. Tim Thompson explained that the Bean Road stop sign would remain. This is a private road/driveway, so there could not be a stop sign. Jack Rothman asked about the stone wall, which Ken Clinton repeated would remain. The driveway would be the same distance from the wall as the Rothman property is.

Janice Tibbetts, 1 Marty Drive, asked about the location of the homes, stating that there is wetland behind some homes on Marty Drive. Tim Thompson explained the houses must be outside the wetland setbacks; the developer would determine their location.

Rose Burke, 3 Marty Drive, who has problems with water coming from the road, asked what recourse she would have if water came into her home. Alastair Millns explained that the developer must guarantee that there would be no increase in the water rate onto the neighboring properties. Any recourse is through the courts.

Daniel Jaskiewicz, 15 Whispering Pines Lane, asked about the width of the driveway on Old Blood Road and the distance between the two stone walls. Ken Clinton said the driveway would be 16' wide and 22'-30 wide at the two stone walls. He stated that there would be no impact to the stone walls. Daniel Jaskiewicz asked how snow removal would affect the wall. Alastair Millns explained that Old Blood Road is not maintained by the Town and the homeowners would clear the snow themselves. How they do it is not a Planning Board matter.

Bill Boyd stated that he opposed the project because it would have too many impacts to the neighborhood.

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 4-1-0 to grant final approval, with the following conditions, on a motion made by Nelson Disco and seconded by Desirea Falt. Bill Boyd voted in the negative.

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 (NHDES Subdivision, NHDES Wetlands, and any others as may be applicable), note the approvals/permits

on the final plans and mylars and provide copies to the Community Development Department;

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 drainage comments from the Town's peer review consultant, CLD;
6. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
7. The applicant shall address the following comments from the Building Department:
 - a. Add notes to indicate all currently-enforced fire safety, building and electrical codes will be utilized where any modification to the existing structure takes place;
8. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
9. The applicant shall address the following comments from Merrimack Village District, as applicable:
 - a. The water line running along Old Blood Road shall be private and some type of ownership/maintenance agreement shall be written;
 - b. Merrimack Village District shall have access to, and permitted use of individual shut offs, to be installed, within the "utility" easement;
10. The applicant shall address any forthcoming comments from the Police Department:
 - a. Access for Lots 45-2 & 45-3 is off Old Blood Road and notes as a "driveway", but there does not appear to be a plan for access to Lot 45-1.
11. The applicant shall address the following comments from the Public Works Department:
 - a. Consideration should be given to the need for a sign indicating "Not a Thru Road" to avoid confusion, particularly from those on Bean Road approaching Baboosic Lake Road (Note: Since Old Blood Road is a Class VI road, it cannot be marked "Private Drive");
 - b. The first 20 feet of the driveway apron where it meets Baboosic Lake Road should be paved.
12. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
13. The applicant shall address the following Planning Staff Technical Comments:
 - a. The address listed under Map 5B, Lot 48 should be "7 Marty Drive" instead of "9 Marty Drive";

- b. Note 11 regarding the filing of a Stormwater Management Plan mentions Map 4B, Lots 153 and 153-2. Please replace these with the appropriate Map & Lot numbers.

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.
 4. The Fire Department assigns addresses as follows:
 - a. Tax Map 5B, Lot 45 shall remain 190 Baboosic Lake Road;
 - b. Tax Map 5B, Lot 45-1 shall be 188 Baboosic Lake Road.
 5. In accordance with RSA 674:41 (II), the applicant is required to request authorization of building permits for proposed lots 45-2 & 45-3 from the Zoning Board of Adjustment prior to starting construction on these lots.
 6. The Building Department adds the following:
 - a. Most recently adopted building, fire safety and electrical code requirements will be requested with building permit applications. All conditions will be noted with issuance of building permits.
- 6. Meridian Land Services, Inc. & North View Homes & Development, Inc. (applicants) and Lena Parker, Parker Family Revocable Trust & Lena Parker Revocable Trust (owners)** – Review for acceptance and consideration of Final Approval for a Lot Line Adjustment and minor subdivision of three lots into four lots. The properties are located at 258, 264 & 270 Baboosic Lake Road in the R-3 (Residential) District. Tax Map 6A, Lots 29, 29-2 & 30.

Robert Best returned to the Board and resumed as chair.

Tim Thompson said that the applicant intends to adjust the lot lines of the existing three lots, then subdivide off one additional lot, for a total of four separate lots, each to be serviced by municipal water (MVD) and private septic systems.

Ken Clinton, President, Meridian Land Services, Inc., listed the proposed acreage for each lot. This parcel with oddly shaped lots is what remains after other properties around it were subdivided. The applicant has no issue with the proposed conditions.

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 Bill Boyd.

Since there is only one new parcel, Ken Clinton saw no need for a sidewalk and has requested a waiver.

The Board voted 6-0-0 that a sidewalk waiver is not necessary, on a motion made by Alastair Millns and seconded by Desirea Falt.

Ken Clinton agreed to Tim Thompson's suggestion that the plan be revised to show inclusion lines where stone walls are not property lines.

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. 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 (NHDES Subdivision, NHDES Wetlands, and any others as may be applicable), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
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 Building Department, as applicable;
7. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
8. The applicant shall revise the plans to provide "inclusion lines" for any stonewalls that are not property boundaries;
9. The applicant shall address the following Planning Staff Technical Comments:
 - a. The address listed under Map 6A, Lot 29-3 should be "256 Baboosic Lake Road" instead of "259 Baboosic Lake Road" on all sheets;
 - b. The address listed under Map 6A, Lot 34-28 should be "29 Parker Drive" instead of "27 Parker Drive" on all sheets;

- c. Note 11 regarding the filing of a Stormwater Management Plan mentions Map 4B, Lots 153 and 153-2. Please replace these with the appropriate Map & Lot numbers.

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.
4. The Fire Department assigns addresses as follows:
 - a. Tax Map 6A, Lot 29-1 shall be 258 Baboosic Lake Road;
 - b. Tax Map 6A, Lot 29 shall be 260 Baboosic Lake Road.
7. **Meridian Land Services, Inc., North View Homes & Development, Inc., & Bernstein, Shur, Sawyer & Nelson, P.A. (applicants) and The Allen Swenson Real Estate Trust of 1999, The Barbara Swenson Real Estate Trust of 1999, Hampshire Ventures, Inc. & GFM Development, LLC (owners)** – Preliminary layout discussion (per Section 3.02 of the Merrimack Subdivision Regulations) of a 66-lot subdivision on four lots (originally part of the Greenfield Farms subdivision) located on Wire Road and Whispering Pines Lane in the R-1 (Residential) and Aquifer Conservation Districts and the 100-year Flood Hazard Area. Tax Map 7C, Lots 28, 30, 40 & 40-1.

Tim Thompson explained that this is an optional preliminary layout review only. The applicant can utilize it in the development of subdivisions and the Board can provide feedback more akin to a conceptual discussion or pre-submission hearing without making a formal decision.

Because of the involvement of CLD's intellectual property and employees in designing past iterations of the project, Meridian requests a different peer review consultant. Staff confirms that Keach-Nordstrom Associates, which was the peer review consultant for the Town of Bedford for previous phases of the project located there, is willing to act as peer review consultant.

The Board voted 6-0-0 to authorize Keach-Nordstrom Associates, Inc., to be the peer review consultant for the Town on this project, commencing once a formal application is submitted for review by the applicant, on a motion made by Bill Boyd and seconded by Alastair Millns.

Ken Clinton, President, Meridian Land Services, Inc., listed the proposed lot sizes. The original plan called for 58 lots with open space, but lack of public sewer stalled the design. There would be a sewer extension from Bedford Road to Whispering Pines

Lane. This design has been approved, up to but not internal to the parcel. Adding the new Lot 40 and subtracting the seven-acre Swenson farm, which will remain as is, leaves 123 acres out of the total 130 acres. Only 60.67 acres are buildable. That allows a density of 66 lots. 61-85 acres would be open space, leaving 35-44 buildable acres. There would be no lots in the gravel pit. There would be a gravity sewer on all lots, which could not be done previously. The applicant had to create more grades/transitions in the developed area. The road is slightly higher than expected on road C because of the sewer, so 4' of fill would be needed to cover the sewer pipe as well as a waiver for a grade of 2% rather than 1½%. Ken Clinton met twice with PWD Deputy Director/Town Engineer Kyle Fox. Because the cul-de-sacs would be short, less fill would be needed.

The applicant proposes rough grading and using Lot 17-28 at the corner of Pearson Road along the Bedford line as public use open space that would be donated in fee to the town. The 8-9-acre field could be used for two playing fields conceivably.

Nelson Disco was very much in favor of the idea; there is a big need for playing fields in town.

Alastair Millns asked if there would be interior sidewalks. Ken Clinton said there would be sidewalks on one side of the roads. The applicant would create a private recreation area for residents against the pit area along the access road. There would be no trails in the rear of the homes. Residents could use the small public boat access on Wire Road from the open space in the subdivision. Ken Clinton's research shows that this is not a good location for elderly housing. He believes the traffic study done by Steve Pernau is still valid. The traffic pattern would be more spread out; another study is not necessary. Tim Thompson suggested updating the traffic study with a memo or addendum. Alastair Millns said he did not like the previous traffic study because of the effect on Wire Road. Ken Clinton will go to the Merrimack Conservation Commission (MCC) because the project is in the Aquifer Conservation District and the 100-year Flood Hazard Area. There are no wetland impacts. The roads would be town roads.

Public comment

Shannon Rand, 1 Blair Road, asked whether the bridge on Whispering Pines Lane would be opened. She opposes opening it because of the traffic impact. Ken Clinton said it is defunct and would not re-open. Chairman Best suggested designating "usable" and "non-usable" roads on the site plan. Shannon Rand was concerned about the increased number of cars and rush hour speeding on a street with young children.

Shannon Rand asked if there would be a sewer on Blair Road, which Ken Clinton answered in the affirmative. Shannon Rand is concerned about the cost of connecting to the sewer for residents on Blair Road, Brenda Lane and Whispering Pines Lane and would prefer another route. Tim Thompson explained that residents could ask for waivers if they meet the criteria. Ken Clinton said storm water on Blair Road is a PWD issue.

Shannon Rand said there is no way for people on this side of Merrimack to get to the Bedford field. Playing fields should be centrally located in Merrimack. Alastair Millns said that it is not a long way and he does not share her concerns.

Alastair Millns asked whether residents must connect to the sewer if they have septic systems. Tim Thompson explained they must if the sewer is a certain distance from a post-1985 home; otherwise they must seek a waiver.

Shannon Rand was concerned about safety. Whispering Pines Lane is a throughway. There are traffic jams at the four-way stop; it would be worse with 66 new homes.

Richard Comeau, 18 Whispering Pines Lane, said a home within 200' of a sewer must hook up to it; a home beyond 200' can do so later at the homeowner's expense. That means that everyone will pay to connect to the sewer and must tear up then replace underground sprinkler systems in order to lay the pipes.

Rhianne Berrigan, 4 Bryant Circle, listed her environmental concerns for a project in the Aquifer Conservation District and the 100-year Flood Hazard Area. Chairman Best said the Planning Board ensures that the applicant meets standards, but it does not determine what he can build. Any easements would be considered and reflected on final plans. Ken Clinton stated that there would be no wetland impacts. He must apply for a NH Department of Transportation (DOT) Permit. e mus Certain uses are allowed by right. The applicant must design according to town, state and federal environmental regulations. He e Hemust list threatened or endangered species with the Natural Heritage Bureau.

Doug McCaffery, 20 Whispering Pines Lane, opined that 74 more cars would come onto his street. Chairman Best said a traffic study would determine the number. Doug McCaffery asked about the 100' strip behind his house. Ken Clinton explained that it is the property line and it must have a 100' buffer. More open space is being planned than is required. Doug McCaffery said that, when his father conveyed the land, the applicant agreed not to build on a portion of it. Ken Clinton said that there were previous plans in 2006 and 2009. The proviso was that Lot 40-1 would be open space, but the plans were not approved. Further negotiations lifted the restriction. Ken Clinton offered to discuss the matter with Doug McCaffery.

Daniel Jaskiewicz, 15 Whispering Pines Lane, agreed with the previous speakers. He asked how construction and the transmission easement over his property would be managed. He does not want bulldozers on his property, which Ken Clinton said would not occur. Tim Thompson explained that before construction, the applicant must meet with all relevant town departments for a Pre-Construction meeting and follow regulations. Daniel Jaskiewicz noted dumping of large rocks on the easement behind 38 Brenda Lane. Ken Clinton explained that it is a town stockpile for future road materials; the rest would be removed.

Paul Pelsinski, 132 Wire Road, was concerned about traffic on Wire Road growing over the years. Speeding vehicles and trucks coming from Bedford create a safety issue. He suggested a three-way stop sign. Tim Thompson said he would bring the speeding and truck issues to the attention of the Police Department. Stop signs are the purview of the

Highway Safety Committee, which does not always look favorably on stop signs. The public can forward comments to the Committee.

Tammy Carlson, 14 Blair Road, agreed with concerns about increased and speeding traffic. There are five autistic children on the street and four special needs buses at her driveway. There are no stop signs in the neighborhood. Traffic goes onto Blair Road to Brenda Lane in order to get to the Transfer Station, Shaw's and Exit 12. Construction traffic would impact the children and her family. Tammy Carlson asked who would pay to maintain the open space. New costs to the neighbors are stressful. Chairman Best explained that the open space would be a donation to the town, which would set up a Capital Improvement Plan. Town Council decides budgets. He, too, is concerned about the expense of hooking up to the sewer for affected residents.

Ken Clinton said the sewer would serve the subdivision and comply with the Sewer Master Plan. Construction would be privately funded. Instead of a cluster, he could build a conventional grid subdivision with larger lots that are more widespread and have on-site septic systems. Tammy Carlson wanted the Board to consider the drainage issue on Blair Road from melting snow and ice and not make it worse. Chairman Best explained that peer review would look at some of these issues, including storm water. The applicant cannot increase runoff to neighboring lots, but the Planning Board has no purview over the sewer line. Ken Clinton said that the extension design would not alleviate the existing issue, but he would discuss it with Tim Thompson and PWD.

John Rennie, 130 Wire Road, asked who would supply the water and how. Ken Clinton replied that MVD has provided a letter stating suitability and will update it. The water would come from Whispering Pine Lane and/or perhaps Wire Road. It might be possible to bring a water main past the hydrant. Chairman Best explained that the Planning Board does not have any say as to where MVD puts water lines.

Elizabeth Griffith, 2 Dodier Court, said the neighborhood is quiet, with large lots where children play in the street. There is a path through the forest. Her concern is loss of green space and the density of the new homes. Tiny lots would be crammed together. Where would neighbors walk? Chairman Best explained that a cluster development is intentionally dense in order to leave open space. Elizabeth Griffith wanted the open space to be available to the neighbors. Chairman Best said they could walk on the buffer in the woods. Ken Clinton repeated that there would be 50-70 acres of open space for both active and passive recreation with public access. The pit would be used for storm water detention and a community area.

Eric Hanscom, 5 Dodier Court, agreed about traffic on Whispering Pines Lane. Where it meets Wire Road there is a small hill that blocks the sightline and view exiting left to the four-way intersection. There would be more traffic in addition to the 10-15 cars that go there now. He has no privacy because headlights at the stop sign shine onto his backyard and pool. He would prefer an alternative road exit on Wire Road north of this entrance that would create one road north to Bedford and one road south to Merrimack. That would spread the traffic through Wire Road.

Phil Knotts, 127 Wire Road, has no problems with his septic system and private well and does not want town water. Open space on the north would not be accessible. There is no sidewalk or parking on Wire Road. Children must walk a dangerous path to get there. Rather than playing fields, there should be a common area for children to play in the neighborhood without having to travel. Chairman Best noted that it is intended not for the development but for the public. Phil Knotts agreed with his neighbors about traffic. There is no sight line at the ridge at Lois Lane. Widening of the road in Bedford would make traffic worse. Ken Clinton clarified that more than 50% of the cluster's common land must become permanent open space. It can be private, public or non-profit as designed by the applicant. Public use of open space is not required. It is voluntary and not imposed on the applicant. It is the applicant's decision.

Frances Donahue, 3 Blair Road, asked about the sewer timeline. Ken Clinton said there is none. The extension depends on Planning Board approval and financing of the project. The engineering work would be done internally. The survey work done externally to design the sewer system and collect data was approved. Some borings were done to show that a sewer could be brought in that would comply with the Sewer Master Plan. Frances Donahue asked if the private sewer could be where the power lines are. Ken Clinton said that regulations discourage cross-country and encourage maximum connectivity. He has considered all options. He would fill and pave the trenches. Frances Donahue agreed with previous speakers about traffic. There are no sidewalks or night lights when children play.

Chairman Best suggested that the Planning Board schedule a site visit.

Bill Hebel, 153 Wire Road, asked where rain water would go. The land is flat and his house is 40' lower than other homes.

Shannon Rand asked if the developer would pay to attach a sewer to a home. Chairman Best said the Planning Board cannot require him to and again suggested that residents seek a waiver. Shannon Rand repeated her concern about the cost to others on her street. Alastair Millns opined that home values would increase if they had on the sewer. Shannon Rand asked if the developer's taxes would pay for the sewer. Chairman Best said that would not decrease neighbors' taxes. A sewer is functionally better than a septic system. The state wants to encourage public sewers. He agreed that the neighbors' situation is "awful", but it is not a Planning Board decision.

John Griffith, 2 Dodier Court, said snow piles up on the stub of Whispering Pines Lane and asked how the cluster would be cleared. Chairman Best explained that the development would have public streets that must be designed to meet standards. John Griffith said one cannot see traffic around the snow piles at the intersections. It is dangerous. He had to call PWD to cut back the piles. John Griffith did not want all cars to connect to Whispering Pines Lane. Chairman Best asked how long the road would be from Wire Road to the deepest part of the intersection if Whispering Pines Lane were not connected. Ken Clinton replied it would be approximately 1,400' from Wire Road to Lots 34-35, which is beyond the Fire Department's 1,200' limit. Tim Thompson said that would create six cul-de-sac points. Ken Clinton said this plan has the most suitable road. It was planned this way in many plans since the 1970s.

Tim Thompson assured abutters that they would be notified at the time of the formal site plan application.

Ken Clinton explained the difference between buffer and easement lines.

3. Zoning Ordinance Amendments Workshop

a. Accessory Dwelling Units

Tim Thompson explained that the Legislature passed and the Governor signed a bill that sets forth new statutory requirements for ADUs to become effective June 1, 2017. The new law correlates nicely with Master Plan recommendations in that municipalities will no longer be able to restrict occupancy of ADUs to family members only. The proposed Ordinance amendments would set forth two different processes for ADUs. The first would be to change “attached” ADU approvals from a Special Exception requiring ZBA approval to a permitted use, with criteria that would be administered by the Community Development Department. The second process would allow for “detached” ADUs to be permitted by Conditional Use Permit by the Planning Board. The criteria for unit and lot size would differ between the two proposals. The proposed amendments would address the ZBA’s desire to fix the Special Exception process as well as the Master Plan and state law goals of helping to meet the needs of a diversified housing stock to address a limited part of the workforce housing needs of the community.

Discussion ensued about whether an ADU over a garage is accessory to the dwelling or must be smaller than the main house and count toward 50% of its heated living space. Tim Thompson will ask Legal Counsel about the status of previously recorded restricted covenants requiring that an ADU be for a family member only.

It was the Board’s consensus to move forward to a public hearing for the proposed amended Ordinance concerning ADUs.

b. Signs (in response to Reed v. Gilbert SCOTUS Case)

Jillian Harris reminded the Board that, at its February 2, 2016, meeting, it was discussed about amending the Zoning Ordinance to remove content bias from sections dealing with signs. A June 2015 U.S. Supreme Court decision established that sign codes cannot make distinctions based on the message of the speech. As a result a sign code that makes any distinctions based on the message of the speech is content based. A review of Merrimack’s current sign regulations indicate that there are certain sections of the Ordinance that must be amended in light of recent case law. The proposed amendments seek to remove any content bias and to simplify the process of regulating temporary signs in order to protect the town from litigation. Jillian Harris summarized the affected sections and suggested changes. Tim Thompson said that Legal Counsel would review the proposed amendment in the next few weeks and wanted Planning Board comments before then.

c. “Redevelopment Overlay” for underutilized parcels

Tim Thompson said the Merrimack Hotel site's attorney would probably go to the ZBA for a Variance rather than wait for a change to the Ordinance. They may build a new extended stay hotel on an out parcel and are still looking at options for the old hotel building. The Old Shaw's and the Audley pit on Robert Milligan Parkway will be discussed at another meeting in the next two months. Because of the late hour, Tim Thompson's power point presentation and discussion will take place at a future meeting.

8. Discussion/possible action regarding other items of concern

During the April 5, 2016, discussion of the Brett Vaughn 17-lot cluster subdivision at 123 Wilson Hill Road, Alastair Millns said he would send a note to MVD asking if it wants to comment about bringing water to that area. He spoke to MVD Superintendent Ron Miner, who said the MVD would bring water to Wilson Hill Road if someone paid them to do it. Alastair Millns opined, in other words, the answer is "no".

Nelson Disco suggested a short discussion with the subcommittee to implement the Master Plan recommendations to be held tentatively on April 26, 2016.

9. Approval of Minutes – April 05, 2016

The minutes of April 5, 2016, were approved with one change, by a vote of 4-0-2 on a motion made by Alastair Millns and seconded by Desirea Falt. Robert Best and Bill Boyd abstained.

10. Adjourn

The meeting adjourned at 10:37 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Bill Boyd.