



Town of Merrimack, New Hampshire

Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing

603 424-3531
Fax 603 424-1408
www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD VIRTUAL MEETING APPROVED MINUTES TUESDAY, DECEMBER 15, 2020 7:00 P.M.

Due to the COVID-19 crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Planning Board is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV and the Merrimack TV webpage (<http://www.merrimacktv.com>). Telephone access was available for members of the public wishing to speak during the Public Hearing or provide public comment. Also identified on the agenda was the opportunity for general public comment to be submitted leading up to the start of the meeting via email to CommDev@MerrimackNH.Gov.

Members of the Board and Town Staff were participating via Zoom. In accordance with RSA 91-A: 2 III, each member of the Board was asked to state, for the record, where they were, and who, if anyone was with them.

1. Call to Order

Robert Best called the virtual meeting to order at 7:00 p.m. and read the procedures & processes for the virtual meeting. He appointed Nelson Disco to vote for Lynn Christensen.

Roll Call:

- Robert Best (Chair) stated he was present and alone in the room he was in.
- Alastair Millns (Vice Chair) stated he was present at home and alone in the room he was in.
- Neil Anketell stated he was present at home and alone in the room he was in.
- Nelson Disco (Alternate) stated he was present at home and alone in the room he was in.
- Councilor Bill Boyd (Ex-Officio) arrived in the virtual meeting at 7:55 p.m.

Members Absent:

- Lynn Christensen and Paul McLaughlin

Assistant Planner Casey Wolfe was also present and alone at home.

2. Planning & Zoning Administrator's Report

None

3. Discussion of Capital Improvement Program for the Town of Merrimack.

Paul Micali (Assistant Town Manager/Finance Director) presented the Capital Improvement Plan (CIP) for the town of Merrimack. RSA 674:7 requires municipal departments, the School Board, the library, and the water district to submit statements of proposed capital expenditures to the Planning Board. For CIP purposes, the Planning Board defines "capital expenditure" as the

purchase, construction, or improvement of land, buildings, infrastructure, or equipment having an associated cost of \$100,000 or more and an estimated useful life of at least seven years.

Paul Micali gave a brief description of each of the 28 projects that fall under the General Fund and paused for questions after each project.

Public Safety Complex/South Fire Station: Chairman Best asked for clarification on the location of the fire stations when all of the projects are finished. Mr. Micali confirmed that the Central Fire station and Police station will move to the safety complex and the South Fire station will be renovated and retained. The Reeds Ferry Fire station will also remain but will continue to be used for training and equipment storage. A location for the new Safety Complex is still being researched and once it is complete, decisions will need to be made on what to do with the existing Central Fire and Police station buildings. Mr. Micali also confirmed the number of Fire Department employees and addressed a question about efficiencies to be gained with one Safety Complex. He explained that the town already has a combined Dispatch Department and the office staff for both Fire and Police is minimal so they expect operations to continue as usual. He also confirmed that the Building Department will transition into the new Safety Complex as well.

Bridge Replacement - US 3 (DW Highway)/Baboosic Brook: Kyle Fox (Public Works Director) answered questions from the Board regarding this project. He confirmed that the estimated cost that is listed in the CIP (3.2 million dollars) is a calculation that was done when the ten year plan was first created and they now know that the cost will be much higher. Mr. Fox also confirmed that a temporary two lane detour bridge will be utilized during construction. The detour will consume some of the MYA parking lot for a period of time and will also require an easement on some private property but there will be a re-planting/repair plan created for any impacted parcels.

Bridge Rehabilitation - US 3 (DW Highway)/Souhegan River: Kyle Fox explained that the estimate (\$215,000) is a preliminary figure and that some of the repairs will be done as part of the Souhegan River Trail project. Paul Micali added that the timing of the project is pushed out so that the repairs can coincide with the River Trail project. Mr. Fox also clarified that the sidewalk repairs are part of the Souhegan River Trail project which is slated for next year.

Stormwater Drainage Improvements / Permit Compliance: Kyle Fox provided an overview of the MS4 permit and clarified that the drainage improvements on the CIP are in an effort to remain compliant.

Sidewalks: Chairman Best stated that in past years the Planning Board was able to offer developers the option of providing money to the town's sidewalk project fund in lieu of building sidewalks on their own and was curious if this is now an option again since there is an improvement plan on the CIP. Paul Micali stated that he will discuss it with the Council and believes that they would open to the idea but confirmed that it would only be an option if the development is in the area that is open for bidding. Nelson Disco commented that the Town Center Committee (TCC) has received a lot of comments from the residents that they are in favor of adding more sidewalks throughout town and especially in the town center area. He also added that the TCC has a priority list that they would be happy to share with Public Works and/or the Town Council.

Gail Road between Nora and Joey Drainage Improvements: No questions/ comments.

Woodland Drive Area Drainage Improvements (Deerwood, Birchwood, Pinetree, Hartwood, & Timber): Nelson Disco asked if the drainage needs to be pre-treated before being piped into the river. Kyle Fox explained that there were some storm-water chambers built

during phase one of this project that may support this phase as well but they still need to determine that.

Paving - Infrastructure Improvements: No questions/ comments.

Paving - Infrastructure Improvements - Gravel Roads: Nelson Disco asked about the drainage issues on Greens Pond Road and whether or not they were taken into account when determining the cost of the project. Paul Micali responded that there will be drainage work done to the road but more research will be needed to determine the extent of the work once the project is closer to fruition.

Paving - DW Highway (Greely Street to Bedford Road): Alastair Millns asked if the projected improvements will hold up when the traffic is increased due to the construction on the turnpike. Chairman Best interjected and stated that he believes that traffic will not be impacted by the highway construction because using DW Highway will not be any faster for commuters. Paul Micali agreed with Chairman Best's remarks and added that the underlying infrastructure of the road is concrete based so it is in excellent condition and the town is simply replacing the asphalt top coat of pavement.

Bill Boyd (Ex-Officio) arrived to the virtual meeting at 7:55 p.m.

Councilor Boyd commented that the Town Council is committed to investing in the town's infrastructure and paving is a critical component to that. Chairman Best commended the Town Council on their commitment to the town's roads as the road conditions in town are always on the people's minds.

Wire Road Intersection Improvements: Nelson Disco asked if it would make sense to do the Wire Road and Twin Bridge improvements simultaneously. Paul Micali explained that the design process for the Twin Bridge improvements will take place during the Wire Road project so that they can ensure they will not need to rip up anything to realign for the bridge.

Turkey Hill Road Intersection Improvements: Chairman Best asked for the cost estimate of this project and Paul Micali explained that it was actually part of last year's budget so the funds have been allocated. Kyle Fox explained that the cost is about double from what was originally anticipated so Public Works will be presenting this project to the Council again in early 2021 to review the options. Chairman Best asked if the realignment option was significantly cheaper than the round-about and Kyle Fox stated that the road re-alignment would cost roughly \$250,000.

Merrimack River Boat Ramp Access Improvement: Chairman Best expressed that he's certain that the Town Council and DPW will come up with a good solution to improve the access and added that he feels that the Merrimack River is such a great resource and he supports anything we can do to make it a more integral part of the town. Nelson Disco asked for clarification on what the project entails and Paul Micali explained that the project will upgrade the current ramp to allow large boats to access the river; it will not include any improvements to the road that leads to the ramp. Kyle Fox spoke about the current access and some of the options for improving it. He also pointed out that the access also has hundreds of feet of a beach-sand road that will need to be addressed. Councilor Boyd added his thoughts about the access to the River stating that it's a definite shame that the residents of Merrimack have limited access to the Merrimack River in town.

Sidewalk Improvements Plan (TAP Applications): No questions/comments.

Sewer Line Extensions (McQuestion Sewer Basins): No questions/comments.

Depot Street Boat Ramp Repairs: No questions/comments.

Seaverns Bridge Canoe Launch Ramp - Slope Stabilization: No questions/comments.

Library Projects: No questions/comments.

Pedestrian bridge over Souhegan River: No questions/comments.

Wastewater Projects: No questions/comments.

The Board indicated that the prioritization votes would take place later in the meeting, following under the *“Discussion/possible action regarding other items of concern”* portion of the agenda.

4. **Corey Knight (applicant) and Sanco Realty Trust (owner)** – Continued review for consideration of a Site Plan to construct an automobile dealership and repair facility. The parcel is located at 106 Herrick Street in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 021. Case #PB2020-26. **This item is continued from the November 10, 2020 Planning Board meeting.**

Casey Wolfe provided a quick update on this project by reminding the Board that the application was accepted as complete at the November 10th meeting and the only significant change to the plans is that the driveway has been moved to be directly across from the proposed Mi-Box driveway.

Jeff Kevan (TF Moran, Inc.) and Corey Knight (applicant) were present to discuss the changes to the site plan. Mr. Kevan began by reviewing the driveway changes that Casey Wolfe mentioned in her project summary. He then shared the plans for the stormwater system and demonstrated where the catch basins are located on the site as well as where the utilities will come into the building. Mr. Kevan then turned his attention to the two waivers that are being requested for the project (interior green space and noting trees greater than 15 inches in diameter) and paused for questions from the Board.

Nelson Disco asked if there had been any discussion with DPW about landscaping the right-of-way in front of the building. Mr. Kevan explained that they have not reached out yet but would be happy to add the landscaping if DPW has no concerns. Mr. Disco also asked what the view would be from the DW Highway and Mr. Kevan shared the elevation plan and discussed what the view would potentially look like from DW Highway. Chairman Best asked if there will be air conditioning units and/or other utilities on the roof and if so, where they will be located. Mr. Kevan explained that those details have not yet been worked out but if they were on the roof they would be in the back and hidden as much as possible. Chairman Best explained that the Board may make it a condition of approval that any rooftop utilities be screened from view of the DW Highway. Nelson Disco also asked about a maintenance plan for the drainage infrastructure and Mr. Kevan assured the Board that a maintenance plan will be made available as the Environmental Protection Agency will need one as well. Councilor Boyd asked about the potential of exhaust on the roof and Mr. Kevan explained that vents would be constructed on the roof but the architectural details have not been drawn up yet. Councilor Boyd requested that the vents be placed facing South because there is a residential neighborhood to the North. Mr. Kevan agreed that they could look into it.

Public Comment

Nathaniel Durgin (111 Herrick Street) stated that he is looking forward to the applicant coming into Merrimack and the Herrick street neighborhood and commended him on running a well maintained business. He then expressed concerns with water potentially draining onto his property and offered to work with the applicant on obtaining water access through Star Drive if it is more cost effective. He mentioned that he had approached MVD about adding sprinklers to his property and was advised that it could not be done with the current pipe setup.

Chairman Best explained that the project is not allowed to increase the runoff from the property and that the plans have been reviewed by a third party engineer. He also explained that the Board can receive MVD feedback but cannot comment on something they said could or could not be done on another property.

Mr. Kevan responded to the abutter's comments by explaining that the plan is to mimic the existing conditions by infiltrating the majority of the runoff. Significant storm events would be captured by the culvert. Chairman Best asked Casey Wolfe to confirm if there was any feedback on the stormwater plan from the third party engineer that reviewed it. Casey replied that she did not have the information readily available but part of the conditions of approval is that the applicant must satisfy all third party review comments/feedback.

Citing that specific circumstances relative to the site plan indicate that the waiver will properly carry out the spirit and intent of the regulations, the Board voted 5-0-0 by roll call vote to grant waivers from Sections 3.11.I.1.ii (Mitigating the impact of Parking Lots) and 4.12.c.18.viii (Depiction of Trees greater than 15" in diameter, and species on Existing Conditions Plan) on a motion made by Bill Boyd and seconded by Alastair Millns.

The Board voted 5-0-0 by roll call vote to grant conditional final approval, on a motion made by Alastair Millns and seconded by Bill Boyd. The following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified:

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars.
2. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department.
3. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel.
4. The applicant shall address the comments from the town's peer review consultant, Fuss & O'Neill, as applicable.
5. The applicant shall address the following comments from the Conservation Commission:
 - a. An oil/water separator shall be built into the drainage system in order to capture any vehicle fluids that might make it into the stormwater treatment system.
 - b. Add a note that tree clearing shall be done following protocols outlined by the New Hampshire Fish & Game Department for tree clearing during nesting season (as applicable).
 - c. Replace all mentions of hay in the plans with straw.

6. The applicant shall address the following comments from the Fire Department:
 - a. Fire Department water supply (pressurized hydrants) is not shown in proximity to this proposed building and is required for construction. The nearest hydrants are at the intersection of King and Herrick Streets and across Daniel Webster Highway at Smith Road. A hydrant that was required to be installed in the vicinity of 101 Herrick St. for the previously approved Mi-Box storage building would satisfy this requirement, however as no construction has commenced on that project, that hydrant is not in place.
7. The applicant shall address any forthcoming comments from the Public Works Department, as applicable.
8. The applicant shall address any forthcoming comments from the Wastewater Department, as applicable.
9. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable.
10. The applicant shall address the following Planning Board Comments:
 - a. Applicant shall submit an operations and maintenance plan for the drainage system to Community Development.
 - b. Applicant shall consult with the Public Works Department regarding the possibility of additional landscaping within the extra-wide Herrick Street right-of-way to the southerly end of the parcel.
 - c. The HVAC/Air conditioning equipment on top of the proposed building shall be screened from view from Daniel Webster Highway.
 - d. Ventilation originating from the auto-repair portion of the building shall be directed away from residential areas (located to the north & west).
11. The applicant shall address the following Planning Staff Technical Comments:
 - a. On the cover sheet, the contact person for the Wastewater Division & Police Department shall be updated as follows:
12. (Wastewater) Change Lee Vogel to Michael Gorman.
 - a. ii. (Police) Change Denise Roy to Brian Levesque.
 - b. Revise Sheet 2 (Existing Conditions Plan), Note 4 to indicate the lot is in the C-2 General Commercial District.
 - c. Revise Sheet 5 (Site Layout Plan), Note 1 to correct the owner information and deed reference information.
 - d. Section 4.11.i – Revise Sheet 5, Note 5 to indicate the water supplier as Merrimack Village District, not Merrimack Water District.

- e. Revise Sheet 5, Note 5 to indicate the telephone provider as **Consolidated Communications**, not *Fairpoint*;
- f. Revise Sheet 5, Note 5 to indicate the gas provider as **Liberty Utilities**, not *National Grid*;
- g. Section 4.11.j – Add a note to Sheet 5 that reads **On August 26, 2020 the Zoning Board of Adjustment granted a Special Exception under Section 2.02.3 (C) (1) of the Zoning Ordinance to permit the sale & storage of used and new cars and an automobile service and repair station in the C-2 (General Commercial) District**;
- h. Section 4.12.c.5 – Add zoning information to all abutting lots;
- i. Section 4.12.c.16 – Add owner’s signature to Existing Conditions plan;
- j. Section 4.12.c.17 – Add setbacks to Existing Conditions plan;
- k. Section 4.14.a.13 – Wetland certification note appears on the existing conditions sheet indicating there are no on-site wetlands, but the stamp of the named certified wetlands scientist in that note does not appear on the plan.
- l. Section 4.14.a.16 – Please note benchmarks on Sheet 5.
- m. Section 4.16.b – Applicant to add color rendering index and uniformity ratio information to the lighting plan.
- n. Section 4.16.c – Applicant to add mounting height information to the lighting plan.
- o. Complete the information in Notes 1 through 4 on Sheet 11 (Stormwater Management Plan).
- p. Sheet 2 (Existing Conditions Plan), Note 7 mentions slope, embankment and drainage easement rights to the State of New Hampshire, but their location is not called out on the lot, nor is there recording information referenced on the plan. Please show the locations of the easements and provide recording information. Should any proposed improvements be located within these easements, then the plan will need to be revised to remove any proposed improvements from the easement area or the easement language will need to be revised and approved by the Town’s Legal Counsel and subsequently recorded as the Hillsborough County Registry of Deeds alongside the final site plan approval.

The following General and Subsequent Conditions are placed on the approval:

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

2. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor, registered/licensed in New Hampshire).

5. Eric & Jennifer Gould (applicants/owners) – Review for consideration of a Conditional Use Permit to construct a detached Accessory Dwelling Unit (ADU) above an existing detached garage. The parcel is located at 12 Springfield Circle in the R-1 (Residential by map) and Aquifer Conservation Districts. Tax Map 4A, Lot 004-71.

Casey Wolfe summarized the project by explaining that the applicants are seeking approval to construct a detached Accessory Dwelling Unit (ADU) above an existing detached garage. She also explained that the applicant received a variance from the Zoning Board in October because their lot does not meet the minimum lot size for a detached ADU.

Eric and Jennifer Gould, (petitioners/owners) and Annette Dainis (proposed ADU tenant) presented the project to the Board. Mrs. Gould explained that the ADU will be constructed in an existing garage and once it is completed they will be moving her elderly mother (Annette) into it so that she and her husband can help care for her. Chairman Best asked if the elevation will change and if plumbing and electricity are already installed. Mrs. Gould responded that the elevation will not change and Mr. Gould explained that there is a water line leading to the garage but it has not been hooked up yet and added that they have a new septic plan on file but will be utilizing the existing septic with an injector until that fails. Mrs. Gould also confirmed that parking is not an issue because they can use the garage attached to the house.

There was no public comment.

The Board voted 5-0-0 by roll call vote to grant the Conditional Use Permit, with conditions, on a motion made by Bill Boyd and seconded by Neil Anketell. The following precedent conditions apply:

1. The applicant shall adhere to the criteria listed under Section 2.02.1.C.2 of the Zoning Ordinance pertaining to conditional use permits for a detached ADU;
2. If this Conditional Use Permit approval is not acted upon within a period of two (2) years from the date of the final endorsement by the Planning Board, then the approval shall be null and void. Issuance of a building permit shall be considered a sufficient action to vest an approval for a conditional use permit for a detached ADU. However, should any building permit expire unused after the conclusion of the two-year validity period provided for herein, the conditional use permit granted shall become void as well. Should the applicant need to extend the two-year validity period, the applicant shall demonstrate to the satisfaction of the Planning Board that it was impossible or impractical to receive the necessary approvals to move forward in reliance on the permit granted within two years. Any renewal/extension application shall be filed with the Planning Board no sooner than 90 days, nor later than 30 days, prior to the expiration of the Conditional Use Permit.

6. Merrimack Village District – Informational presentation regarding PFAS treatment for Well 2.

Chairman Best explained to the Board that MVD is going to provide an overview on a project regarding Well 2 for information purposes only. Since the project is being conducted for a governmental land use, the Board does not have authority to approve/disapprove. This is a topic that is near and dear to the residents of the town, so it gives the public the opportunity to hear about it as well.

Peter Pitsas (Underwood Engineers) presented the project on behalf of MVD. Mr. Pitsas gave an overview of some of the projects MVD has already completed and explained that the new treatment plant will treat the water from Well #2 as well as a newly proposed Well #9. He also spoke about the capacity of the various wells throughout town and clarified that the addition of Well #9 will most likely not have an impact on water restrictions in the summer (odd/even watering). He also briefly discussed the benefits of watering your lawn at night versus the middle of the day. Mr. Pitsas shared the site plan and walked the Board through the proposed location for the new Well as well as the treatment plant and corresponding septic system.

Chairman Best asked if the septic system is for facilities within the treatment plant or if the PFAS treatment system itself. Mr. Pitsas responded that the septic is for a bathroom that is in the plant and one small sink that it in the control room. He added that it will have very little flow going through it. He explained in detail how the treatment system works and the walked the Board through the remainder of the Site Plan. Mr. Pitsas concluded his presentation by stating that the final design is scheduled to be completed in January, bidding will start at the end of Januray/beginning of February and the ground breaking will be in April.

7. Discussion/possible action regarding other items of concern

The Board voted 5-0-0 by roll call vote to recommend acceptance of Old Blood Road to the Town Council in accordance with Section 5.01.1 f of the Subdivision Regulations; and release of the Performance Bond of \$60,989; and establish a Maintenance Bond in the amount of \$11,535, which is 10% of the original projected bond amount for the project, for two (2) years after the Town Council votes to accept the improvements on Old Blood Road as part of the Richard Prince Subdivision on a motion made by Bill Boyd and seconded by Alastair Millns.

The Board voted 5-0-0 by roll call vote to release the performance bond for the Neighborworks project, concerning Angelo Drive and Daniel Webster Highway, of \$91,545.43 and replace the bond with a Maintenance Bond in the amount of \$9,154.54, which is 10% of the original projected bond amount for the project on a motion made by Bill Boyd and seconded by Alastair Millns.

Priority recommendations for the Town CIP:

The Board voted 5-0-0 by roll call vote to recommend Town Capital Improvements Plan project prioritizations to the Town Council on a motion made by Bill Boyd and seconded by Bob Best. The recommended rankings are:

Necessary: Public Safety Complex, Bridge Replacement - US 3 (DW Highway)/Baboosic Brook, Bridge Rehabilitation - US 3 (DW Highway)/Souhegan River - Chamberlain Bridge, Stormwater Drainage Improvements / Permit Compliance, Sidewalks, Gail Road between Nora and Joey Drainage Improvements, Woodland Drive Area Drainage Improvements, Paving - Infrastructure Improvements, Paving - Infrastructure Improvements - Gravel Roads, Paving - DW Highway (Greely Street to Bedford Road), Wire Road Intersection Improvements, Turkey Hill Road Intersection Improvements, Seaverns Bridge Canoe Launch Ramp - Slope Stabilization, Sewer Line Extensions (McQuestion Sewer Basins), Sewer Line Extensions (Mayflower Sewer Basins), Depot Street Boat Ramp Repairs, Master Plan, Library HVAC, Sprinkler System, Slate roof, Elevator and New Library.

Desirable: Merrimack River Boat Ramp Access Improvement, Sidewalk Improvements Plan (TAP Applications), and New Athletic Fields (place holder).

Deferrable: Pedestrian bridge over Souhegan River.

The Board voted 5-0-0 by roll call vote to recommend to recommend Wastewater Capital Improvements Plan project prioritizations to the Town Council on a motion made by Bill Boyd and seconded by Alastair Millns. The recommended rankings are:

Necessary: Relocate sewer connector under Everett Turnpike, Wastewater Treatment Plant Phase III and Pump Station Upgrades, Pennichuck Square Pump Station, Pearson Road Pump Station, Burt Street Pump Station, Heron Cove Pump Station, Telemetry Project (Pump Station Communications), SCADA Upgrade, Nutrient Removal (Placeholder).

8. Approval of Minutes — December 1, 2020

The Board discussed their recollections of the last meeting in order to determine if updates are needed to the 12/1 draft minutes. Councilor Boyd would like clarification on the As Life Goes on Project motion to clarify that the motion as made with the inclusion of sidewalks. Nelson Disco feels that the word “handicap” should be added to page 5 line 19 to clarify that ADA spots are being requested. He also stated that the self-storage facility discussion on page 11 should be amended to add that trailers and storage pods are also not going to be available at the site. Chairman Best requested that page numbers be added to the minutes.

The Board tabled the approval of the minutes to their January 5, 2021 meeting.

9. Adjourn

The Board voted 5-0-0 by roll call vote to adjourn at 10:17 p.m., on a motion made by Bill Boyd and seconded by Nelson Disco.