



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

JUNE 7, 2016

MEETING MINUTES

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, June 7, 2016 at 7:00 p.m. in the Matthew Thornton Room.

Secretary Alastair Millns presided (until the arrival of Chair Best):

Members of the Board Present: Robert Best, Chair (arrived at 7:23 p.m.)
Desirea Falt
Vincent Russo
Councilor Thomas Koenig
Nelson Disco, Alternate
Jeff Sebring, Alternate

Members of the Board Absent: Lynn Christensen
Michael Redding

Also in Attendance: Robert Price, Assistant Planner

1. Call to Order

The next meeting of the Planning Board will be conducted on June 21, 2016 at 7:00 p.m. in the Matthew Thornton Room.

Secretary Millns, acting as Chair, designated Nelson Disco to sit for Lynn Christensen and Jeff Sebring for Michael Redding.

Secretary Millns informed the viewing audience the applicant for Item #7, Red Oak Management, Inc. and Turkey Hill Road 136 Trust (owner) has requested, in view of the fact that he received a very negative reaction from the Community Development Department, that the item be continued to the July 19th meeting.

2. Planning & Zoning Administrator's Report

Robert Price, Assistant Planner, stated, as indicated in the report, staff does not believe any of the projects before the Board have regional impact.

Secretary Millns questioned if any member(s) of the Board wished to express an opinion on the regional impact statement.

MOTION MADE BY MEMBER DISCO TO DETERMINE THAT THE FIG & THE OLIVE WAIVER OF FULL SITE PLAN, THE WOODSPRING HOTEL SUBDIVISION AND SITE PLAN, THE OM SHANTI OM REALTY MANAGEMENT, LLC WAIVER OF FULL SITE PLAN AND THE TURKEY HILL ROAD 136 TRUST SUBDIVISION ARE NOT OF REGIONAL IMPACT

MOTION SECONDED BY MEMBER FALT

MOTION CARRIED

6-0-0

3. Lisa Wilcox and Tonia Monfaddal, The Fig and the Olive, LLC. (applicant) and Hotel At Daniel Webster, LLC. (owner) - Review for acceptance and consideration of a waiver of full site plan review for a

restaurant/cafe bakery market business. The parcel is located at 246 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 005-01.

Lisa Wilcox, The Fig and The Olive, LLC., stated she and her sister, Tonia Monfaddal, are looking to start a small deli/bakery in the space provided for guests at the residences at Daniel Webster. There is seating for 40-50. They would like to offer coffee, drinks, salads, soup, and other deli and bakery style items.

Secretary Millns asked for clarification in addition to servicing the residents of the establishment, the desire was for the business to be open to the general public. Ms. Wilcox stated that to be correct. She commented for the past year and a half she has been attending the Merrimack Farmers' Market, has built a customer base, and would like to be able to offer the opportunity for customers to come to the facility to purchase items.

Secretary Millns questioned if there was a representative from the hotel present. Todd Wilson of Hotel at Daniel Webster, LLC. spoke up from the audience identifying himself as a representative of the hotel. When asked if he is comfortable with what was being proposed, the gentleman signified he is with a nod of his head.

Member Disco stated his understanding 15 parking spaces are required, as if it were a restaurant, and commented, from what he could see, they did not have 15 parking spaces available. Ms. Wilcox responded her current customer base is quite small, and at the onset, they would be looking to service guests of the hotel. She stated her understanding the hotel has 100 parking spaces, and when the parking calculation was done, it appeared to be adequate.

Member Disco questioned the basis upon which it was decided that would be adequate. He stated his own observations of this site to have shown few empty spaces. He spoke of having viewed the parking lot twice that day; each time finding only 1 empty space. He stated his opinion there is not sufficient parking to accommodate the proposed business.

It was noted the total number of spaces on the site were counted. Mr. Price stated the plan does not specifically limit parking for the food use to that certain area on the plan. While inconvenient, technically people going to the restaurant could park anywhere on the site. Member Disco questioned how many of the 100 spaces are allocated to the hotel and how many to the reception office, which is what the area being proposed for the business was formerly known as. Secretary Millns commented on having lived in the Residence Inn for an extended period of time some 21 years ago. The gatehouse was for checking in/checking out, and if you actually lived on the site your car was parked near the apartment block.

Member Disco noted at 7:00 a.m. there were 3 empty spaces down by the gatehouse; two were handicapped spaces. The rest were apparently people who are living in the hotel. Mr. Price stated Jillian Harris, Planning & Zoning Administrator, started the review for this project. The plan she marked up indicated her calculation allowed for 15 parking spaces for their use. The plan notes that there are at least 149 spaces plus the 6 handicapped spaces on the site. He stated uncertainty with regard to whether signage could be put up to limit use of that parking area toward the Fig & the Olive patrons or customers checking in.

Member Disco stated the desire to hear some kind of option. Member Falt questioned what the parking requirement is for the hotel. Mr. Price reiterated what currently exists are 149 spaces plus 6 handicapped spaces, which is the number the site is grandfathered at. However, the current requirement is actually less (138). Secretary Millns noted that accounts for the number of residents and a total of 10 employees per shift. Mr. Millns remarked logistically there are enough spaces; the argument is, are the spaces in the right place particularly to allow the business to open itself to the general public. Member Falt commented any inconvenience would be to customers that will or will not use it and those who are residing at the hotel. She stated her opinion that is a matter to be discussed between the two parties. Member Russo stated agreement; there is sufficient parking and the only ones taking a risk are the people that are trying to get the business going. The hotel has the required amount of parking for its customers.

When asked if there is a sense where the customers will come from initially, Tonia Monfaddal stated the expectation is, for the time being, the customer base would consist of the residents of the hotel. Member Sebring questioned if they foresee customers coming in from around the area staying and eating at their business or picking something up and taking it to go. Ms. Wilcox responded there is seating, and the possibility exists that people would stay. She spoke of offering dinners to go, which she does at the Farmers' Market and what they are sort of aiming for at this location.

**MOTION BY MEMBER DISCO TO ACCEPT THE APPLICATION AS COMPLETE
MOTION SECONDED BY MEMBER RUSSO
MOTION CARRIED**

6-0-0

Member Disco questioned if the item has been reviewed by Wastewater for a restaurant use. Secretary Millns remarked he does not believe it to be relevant as there is already a restaurant facility on the location. He suggested the only question would be whether the proposed business would generate more wastewater than what previously existed on the site. Mr. Price stated Wastewater did comment on the plan; on May 26th a memo was provided stating they would require a properly sized and functioning grease trap. That is a condition of approval in the staff memo.

It was noted, if additional signage were desired, the applicant would be required to gain approval from the Zoning Board of Adjustment (ZBA).

**MOTION BY MEMBER DISCO TO GRANT A WAIVER OF FULL SITE PLAN REVIEW
MOTION SECONDED BY MEMBER RUSSO
MOTION CARRIED**

6-0-0

Secretary Millns opened the floor for public comment at 7:18 p.m.

Public Comment - None

Secretary Millns declared the public hearing closed at 7:19 p.m.

**MOTION BY MEMBER FALT TO GRANT FINAL APPROVAL, WITH THE FOLLOWING PRECEDENT
CONDITIONS TO BE FULFILLED WITHIN SIX MONTHS AND PRIOR TO PLAN SIGNING, UNLESS
OTHERWISE SPECIFIED NOTING STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP
TO THE APPLICANT AND THE WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF
THE REGULATIONS
MOTION SECONDED BY MEMBER SEBRING**

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain any required State approvals/permits as may be applicable (including but not limited to revising the NH DOT Driveway permit), note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including Section and date granted) or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
4. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
5. The applicant shall address the following comments from the Public Works Department:
 - a. Applicant shall add a note to the plan indicating any work within the public right-of-way will require a permit from the New Hampshire Department of Transportation, District 5.
6. The applicant shall address the following technical comments from Planning staff:

Planning Staff Technical Comments

- a. Notes shall be revised, added to annotated site plan and signatures updated on annotated site plan.

General and Subsequent Conditions

1. The applicant shall address the following comments from the Wastewater Division:

- a. A properly sized and functioning grease trap shall be in use prior to final approval.
2. The Building Department notes that the requirements of the most recently adopted building, fire safety and electrical codes will be enforced.

MOTION CARRIED
6-0-0

4. **Jesse M. Johnson, P.E. of Bohler Engineering for Woodspring Hotel Property Management (applicant) and 4 Executive Park Drive Realty LLC. (owner)** - Review for acceptance and consideration of Final Approval for a subdivision of one lot into two lots. The parcel is located at 4 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 076.

Gregory Michael, Esq., Bernstein Shur, Sawyer & Nelson, P.A., stated he was before the Board to discuss a possible subdivision of a portion of the old Hilton Hotel property. The parcel is about 16 or 17 acres in size. The plan is to subdivide about 1.7 acres for Woodspring Suites Hotel, and construct a 123-room extended stay hotel on the newly-created lot.

He displayed the plan which delineated the site and the area being considered for subdivision. Attorney Michael stated the site does conform to the Town of Merrimack parking regulations. He spoke of having reviewed the plan in some detail, including the improved drainage the proposal would bring to the site, with the Conservation Commission. He noted there would also be a slight (2%) reduction in impervious area based upon newly installed landscaping. He spoke of the project being the start of reuse of the area. The old hotel building is difficult to work with as it does not meet current code for housing. He commented a great deal of work would have to be put into it, but that may happen.

Attorney Michael stated they are uncertain and not representing what will happen with the former hotel site. The focus is on Woodspring Suites.

Attorney Michael commented the project has two parts; the subdivision itself and the site review. He stated his belief the Board has not yet received comment from the consulting engineers. He does not believe the project to be very complex; it is a four-story building on a site that currently is covered with pavement. He spoke of traffic information having been submitted, and stated the project would not have any significant impact on traffic compared to what was on the site or what could be utilized on the site. He stated the desire for the project to move forward toward approval. He spoke of a time limit the applicant was trying to keep in step with, and stated he could promise the Board that Bohler and CLD would be happy to work with staff to iron out any minor details. If it were to become problematic they would return to the Board.

Secretary Millns stepped down as Chair and Chairman Best presided.

Chairman Best stated agreement the subdivision is relatively minor, but for one point. He requested Attorney Michael address the old building stating the parking lot that the project looks to cut off and subdivide is a necessary element of the site plan of record for the old hotel.

Attorney Michael responded that would have to be dealt with at the time something comes back for the old hotel. Chairman Best responded the subdivision that was being presented is requesting the Board make that existing site plan of record non-compliant. Attorney Michael reiterated the site is not being used; has been abandoned for quite some time. Chairman Best stated he is pleased to see new development. Attorney Michael commented it is difficult for him to respond because it is difficult for him to speak for the owners of that site. He does not know that they would be granted a Certificate of Occupancy to reuse a building, which doesn't meet code. If they have lopped off some of the parking, that is their issue not the Board's issue.

Chairman Best responded potentially it is. He reiterated the site plan of record for this property, which is legally operative and valid, would all of a sudden be impossible to fulfill because part of the parking lot would have been conveyed to someone else. Attorney Michael questioned if the Board would be satisfied if a condition were placed upon approval that they get from the owner a statement that the old hotel would not be reused for that purpose, and that site plan in effect would be null and void for a hotel purpose. He reiterated that would have to be added as a condition as he has no power to make that statement to the Board. He reiterated the owner has

signed off on the plans to allow the applicant to move forward. Chairman Best commented it could be that an amendment of the hotel's site plan to reflect that it no longer has or needs the parking would be a solution. Member Falt remarked because the existing hotel is closed down, the owners could not receive a Certificate of Occupancy without going through a review process. Chairman Best responded potentially, but if on the other team, Attorney Michael might argue that it has a Certificate of Occupancy. Member Disco agreed it has one.

Attorney Michael commented he represented some people that were interested in the site. They did review that, and found it would be extraordinarily expensive. The Town wasn't going to allow the facility to be reopened as a hotel without making major modifications to the building. That is one of the reasons a previous proposal did not come to fruition. He stated his view that the owner of the land has in effect made a statement you are allowed to take that parking away.

Chairman Best remarked if you have a new developer coming into Town that wants a 15-acre site and they have a choice between vacant land or one with an existing, abandoned hotel, vacant land wins every time because it doesn't have a million dollars of expense to tear down an existing building. From a Planning Board standpoint, the Board has to assume that building will stand for a while unless someone makes a commitment that it won't.

Attorney Michael responded he appreciates that, but did not believe he could say much more than what he had already said.

Member Sebring questioned if the existing building is being maintained. Attorney Michael responded the best he knows is that it has been secured; it has been boarded up in an effort to stop it from becoming a further nuisance. Member Sebring commented he would expect after all of these years that there are walls that need to be repaired, windows that need to be replaced, etc. He questioned if it is structurally sound, and Attorney Michael stated his belief it is structurally sound.

Chairman Best commented on an applicant that was before the Board previously who talked about redeveloping the old hotel building, and had suggested that it was environmentally compromised. Weather has been inside; dampness, mold, mildew, all sheetrock, carpeting, etc. would have to be repaired or replaced.

Member Russo asked for clarification that Attorney Michael was representing the applicant not the owner. Attorney Michael stated he was representing the new applicant, and only to the extent that the owner owns the land, and they are trying to get an approval for that portion of the land and subdivide it. There is a little cross-feed there.

Member Disco spoke of the myriad of cross easements between the property and the Town and the adjacent properties that front on Amherst Street. He questioned how the application would impact all of those. He noted that included cross easements for parking that existed with the D'Angelos site. Attorney Michael remarked there are easements for some parking and other things on the principal site. As far as the access areas, the north access will have a cut that will be a cross easement for access at that point. He stated they don't really have a south access toward Nashua. There may be a back access that still exists depending on what the final plan shows, but he does not know if it has much if any impact on the proposed project. He stated whatever easements are there will remain. They don't believe the easements have any significant impact to the piece in question. Member Disco stated his belief there is a parking easement that encroaches into the piece in question. He stated there are access ways shown from other properties onto this property and parking shown on this property that he believes belongs to others. Attorney Michael stated they cannot get rid of those. Member Disco remarked it looks like the project proposes building on top of them.

Member Disco questioned the reason why the proposed lot lines don't align more squarely to the south instead of leaving a little alleyway between the two properties that seems to belong with the existing hotel.

Jesse Johnson, Bohler Engineering, responded there was some direction from the property owner to save the existing pylon sign. He doesn't know if he will need it, but the portion of the property that extends to the frontage encompasses where the existing sign for the site stands today. Member Disco questioned if that could be accomplished with an easement for the sign. Attorney Michael responded "potentially yes". Chairman Best noted regulations get a little complicated with signs off of the site that the sign applies to. Attorney Michael stated the State has regulations for off-site signs near four lane highways. When asked if the pylon sign stands near or interferes in any way with what would be proposed for the signage for the new hotel, Attorney Michael responded he does not believe it would. When asked where signage would be located on the new site, he responded the

plan would be to make it conforming. Mr. Johnson indicated the location on the plan, and commented the thought was to retain that portion of the parcel, which also becomes more of an issue because if those access easements are still in place through that egress out that relate to the parent property and the D'Angelos; they didn't want to add a 3rd party into that with ownership of that same area. That is another reason that property was purposely kept out of the paved access way out of the site.

Councilor Koenig questioned the area depicted in gray on the plan. Mr. Johnson noted the gray area is the limit of disturbance for the property. They wanted to show complete disturbance for grading, utility extensions, etc. The actual subdivision itself is the darker line on the interior (single dash line all the way around). Chairman Best commented if that is the limits of disturbance and it goes past the property line then we are dealing with the old hotel's site plan. Mr. Johnson responded we are as far as grading, access, and utility. There will have to be some easements granted to Woodspring from the parent property for access and utility rights.

Chairman Best remarked in terms of the Board's review, there is at least some development, although maybe it is just disturbing it and putting it right back the way it was when complete. Mr. Johnson stated that is exactly what would occur.

**MOTION BY MEMBER MILLNS TO ACCEPT THE APPLICATION AS COMPLETE
MOTION SECONDED BY MEMBER RUSSO**

**MOTION CARRIED
7-0-0**

Member Russo questioned if the Town's counsel has been asked about the effect of subdividing the property and affecting the existing hotel site. Chairman Best stated he spoke with the Community Development Director on that very subject, and his view was to see how the Board approached this, and whether the Board wanted to make that request for information rather than him do it on his own.

Member Russo stated his opinion it would be prudent to get a legal opinion before moving forward with the subdivision. Member Disco stated agreement. Chairman Best remarked if going down that road, there is the need to be very clear as to what the Board is asking for an opinion on.

Chairman Best opened the floor for public comment at 7:46 p.m.

Public Comment

Allen Mello, Compton Realty, LLC, owner of 3 & 5 Amherst Road

Mr. Mello noted 3 & 5 Amherst Road are the D'Angelos building and the vacant lot. He stated his understanding the D'Angelos is Lot 9 and that retains 36 parking spaces for a cross access and an easement and Lot 1, which would be 5 Amherst Road (the vacant lot) has 12-20.

Mr. Mello stated he supports the redevelopment of the property, but wanted to go on record that there are some questions regarding the issues brought up earlier about easements. He stated the property owner contacted him earlier in the day, they had a discussion, and he is more than open to conversation and whatever is beneficial to all parties. He commented it would be a great asset to see this move forward, but they want to make sure they have some of their interests represented.

Chairman Best remarked he believes Attorney Michael's comment was correct that to the extent easements exist nothing the Planning Board or the applicant does on their own can extinguish those or make them go away. If they happen to have drawn some trees on them or something like that, it would have to ultimately get corrected. From a legal standpoint, they couldn't extinguish an easement.

Mr. Mello stated his understanding, and commented he realizes the discussion was on the subdivision at this point, but figured he would introduce it nonetheless.

Chairman Best declared the public hearing closed at 7:49 p.m.

Attorney Michael commented he stepped out to try to develop a little bit of additional information. He is of the belief the spaces Mr. Mello discussed are undesignated spaces. They are not imprinted on a plan, it is a grouping of spaces. He believes Mr. Mello is correct, but it is not necessarily on the site in question. Attorney Michael stated his belief the owner will have to accommodate the easement as it exists. He reiterated they acknowledge it, understand it, and do not believe it has impact on what they are proposing. It would fall to the owner, on the balance of the site, to satisfy that requirement.

Chairman Best commented, while Attorney Michael was out of the room, there was discussion regarding seeking an opinion from the Town's legal counsel regarding the question of approving a subdivision that renders the existing site plan non-compliant. Attorney Michael stated he has a mixed feeling about that; he cannot argue with the basic premise, he recognizes the box they are in and that it is important to understand this, and that the owner of the land understands and weighs in on this a bit himself. He stated that to be an important consideration now that it has been brought up.

Attorney Michael commented he knows staff has recommended acceptance of the plans, and perhaps they, as applicants, were being a bit too optimistic as to what they might accomplish tonight. He proposed getting the subdivision approved as he does not see any reason not to because again they are subject to whatever easements are out there, and if the Board could give the Applicant a few weeks to respond a bit further and further define the easements, the access, and the points raised, they could come back after acceptance and hold a public hearing on the site plan. By that time he would expect the Board would also have CLDs comments in hand.

Chairman Best remarked whether it is the will of the Board to wait for CLD's review or not is a question they don't necessarily get to unless they decide what to do with the subdivision because if they don't approve the subdivision before taking up the next agenda item, there isn't an ability to consider a site plan for a lot that doesn't exist. Attorney Michael requested they just accept the subdivision for review and move on from there.

Chairman Best stated the subdivision was accepted for review. Now is the question of what to do with it and that is when the discussion of obtaining an opinion from the Town's counsel came about. Attorney Michael remarked that is fine, and he does not believe the subdivision will occupy a lot of time when again coming before the Board.

Chairman Best looked to the Board to identify what the request for a legal opinion would be on, and whether or not that opinion would be requested to be provided in writing or if the desire would be for a non-meeting to speak with counsel directly.

Member Millns stated it to be an up or down question; may the Planning Board agree to a subdivision, which permits the new project to go ahead, but which effectively destroys the approval on record for the old hotel. Chairman Best remarked there is a caveat to that because if the existing property had nothing built on it but had an existing site plan it wouldn't make any difference, the new one would automatically nullify the old one. It is the fact that this old one was constructed fully and exists on the site, and then you are going to undermine it. Chairman Best stated his belief the Town's legal counsel will be able to review the meeting video and clearly understand the opinion being sought.

Attorney Michael remarked he would not want to see an answer that simply states no you can't, he would want to see a response similar to no you can't unless you get X. Member Millns agreed if the answer is no, the desire would be to understand how to get around it. Member Disco stated agreement what should be asked is how we can do it, e.g., does it require an amendment of the other site plan, etc.

MOTION BY MEMBER MILLNS TO POSE THE QUESTIONS CITED TO THE TOWN'S LEGAL COUNSEL AND TO CONTINUE THE APPLICATION TO JUNE 21, 2016 AT 7:00 P.M. IN THE MATTHEW THORNTON MEETING ROOM
MOTION SECONDED BY MEMBER FALT

ON THE QUESTION

Member Disco remarked there seems to be a difference of opinion as to whether the easements are delineated on the plan. He would like an answer on that too; what the situation is regarding cross easements, e.g., are they transferred to the new lot, should they be transferred to the new lot as well, etc. Chairman Best questioned if it is believed that is something the Town's legal counsel would weigh in on or if the desire were to hear from Attorney

Michael and do a little more research into what the Deeds actually say. Mr. Millns commented if the easements are on record, which he knows they are, then it is only a question of someone doing a little research and documenting the information for the Board.

Chairman Best remarked normally it would be as simple as a condition stating all easements have to be shown on the plan, but if there are easements sort of engrossed where this parking may wander around, you can't really draw that. Attorney Michael stated his belief he would be able to resolve most of the easement questions when coming back before the Board.

MOTION CARRIED
7-0-0

- 5. Jesse M. Johnson, P.E. of Bohler Engineering for Woodspring Hotel Property Management (applicant) and 4 Executive Park Drive Realty LLC. (owner) - Review for acceptance and consideration of Final Approval for full site plan review for an extended stay hotel. The parcel is located at 4 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 076.**

MOTION BY MEMBER MILLNS TO CONTINUE THE APPLICATION TO JUNE 21, 2016 AT 7:00 P.M. IN THE MATTHEW THORNTON MEETING ROOM
MOTION SECONDED BY MEMBER RUSSO

ON THE QUESTION

Chairman Best questioned if staff had an opinion on whether the Board should accept the application and then move to continue it or move directly to continuance. Mr. Price stated the Board could continue without accepting. The acceptance starts the review clock for the Applicant.

Attorney Michael questioned if there are other matters of concern that would be related to the site plan. He requested the opportunity to provide a synopsis of the waiver requests to determine if the Board had any specific concerns.

Section 4.16.b – Drainage calculations shall be done to a positive outfall

Mr. Johnson stated the request for a waiver is made because the drainage system the project would tie into is part of the parent property drainage system, but it also picks up stormwater runoff from Executive Park Drive and from the parent property. There is no way to quantify all of the runoff that is going into that because they do not know the full sub-catchment areas. They look at what is going into their drainage infrastructure. They are sending it into this parent system. If there is no history of problems with that system, they will certainly not make it worse. The proposed project reduces the amount of impervious surface, would reduce volume and runoff, etc. It is just a matter of trying to reduce the scope of the review of that drainage system.

MOTION WITHDRAWN

Mr. Price stated his belief it would be necessary for the Applicant to re-address these waivers at the time of the site plan review.

Section 4.16.c – Drainage calculations due to additional upstream development

Mr. Johnson stated this to be the same issue; necessary calculations to ensure runoff due to additional upstream development will not overload the existing downstream facilities.

Member Disco noted the requirements on stormwater runoff have changed since 1977 and we now consider higher flow rates, e.g., peak flow rates, etc. He commented it may or may not be less going in than what was originally calculated. That is why it is a good idea to send this to CLD for review.

Mr. Johnson responded he was not stating that it is less in that regard, he was stating just by the nature of reducing the amount of impervious surface they have lessened the amount of runoff they are contributing off of the property. Chairman Best noted the Board has to look at whether the roof or any of the impervious surface accelerated or focused it in any one particular area. Mr. Johnson responded they have not changed drainage patterns, and have actually introduced more sub-catchment areas; have introduced three additional catch basins upstream of the existing two.

Chairman Best commented when CLD conducts its review they would normally have seen calculations. Since they are missing and the Applicant wishes to waive them, it is his assumption CLD would have spotted that right off. Mr. Price stated they would probably make a note, e.g., no calculations were provided.

Section 4.16.1.b – Minimum cover over drainage pipe shall be 3 feet

Mr. Johnson stated he was told by the Public Works Department (PWD) the requirement for minimum cover of 3' typically pertains to stormwater pipe within the right-of-ways. The project is on private property, and the request is for 2' of cover. He added, with the type of pipe being proposed that is an acceptable cover. The property is in a very sandy soil structure, and by the time the pipe is run out to the back, it could be a deep excavation. The waiver would assist in a safer excavation for the installation of the pipe, but also reduce the amount of cover over the pipe network without any safety factor of collapse or heaving on it.

Chairman Best commented that would be one where the DPW's expression of their conversation with him would affect his opinion one way or another.

Section 7.05.D.15 – Existing and proposed topography of the site at 2-foot contour intervals

Mr. Johnson stated the project provides for 1' contour intervals because it makes for a better plan; can show finer grading on the proposed. They did not see any objection to doing that when they had initial discussions with the Planning Department. Member Disco stated he does not understand why that would require a waiver. Chairman Best added he is not sure a waiver is needed for that, but he would not have any trouble granting it.

Section 7.05.D.19 – Paved pedestrian way or sidewalk along all existing streets

Mr. Johnson stated there to be a number of reasons for the request for the waiver for sidewalks across the frontage: 1) there are no existing sidewalks on either side of the frontage, 2) there is not enough room between the right-of-way and the edge of pavement, and to fit it in would require having to grant an access and bringing the sidewalk into the property; and 3) because of the grades the only way it could be approached to minimize the level of disturbance was to start at the right-of-way and immediately cut into the grade and start to cut down quickly at a 3 to 1 slope to try to level the site off. If a sidewalk had to be brought in, it would require retaining walls on one side and a safety fence all along it. It would be a very expensive build.

Chairman Best stated his belief there is a plan in the Town's Capital Improvement Plan to realign Executive Park Drive going all the way down because it was built so much wider than is necessary. Member Millns stated that to be correct. Chairman Best stated, if that were to go forward and there was some desire to have sidewalks on that part of the Town, there is room created by the pavement that would be taken away from there. He added his belief the Board has waived sidewalks for other businesses in the area.

Member Disco stated his opposition to waiving sidewalks on the site as he sees the site as a high-density residential area. Where there is commercial around and places where people who live there might want to walk, he would like for that amenity to be provided.

Mr. Russo stated he agrees with Member Disco's opinion with regard to sidewalks. Member Millns stated agreement. However, remarked if it were coordinated with the reduction in the width of Executive Drive it could be achieved on a joint basis. The Applicant might want to contribute a few dollars toward the cost. He stated agreement the residents in the community might want to walk to the nearby amenities, and suggested the Applicant consider working with Kyle Fox, Director, PWD to work out getting a sidewalk in the area.

Mr. Johnson noted they have had preliminary discussions with Director Fox who has already contracted with a traffic sub-consultant to assist in the design of that CIP, which is coming down the line. It will be an issue of timing as the project will likely commence prior to the CIP. Director Fox was trying to figure out how to best coordinate the two projects to avoid tearing up the entrance of this project and having to redo it. He suggested, if the will of the Board, the best way to proceed might be in the form of a contribution or granting of an easement to allow for that.

Member Millns commented the Board would be very open to that suggestion. Chairman Best added he believes Director Fox would have trouble having a conversation about sidewalks because, as things stand now, the concept isn't supported by the Town Council, and that is who he works for.

Chairman Best remarked as you look at the site and its configuration with its neighbors, he does not know that sidewalks necessarily have to be all the way out at the perimeter of the road; could perhaps be configured somehow internal to the site so that the residents could get to the north and south ends of the site.

Member Disco commented he was thinking of sidewalks leading to the restaurants and shopping center to the south. Chairman Best stated his agreement with the goal to have some pedestrian ways to get over to the area businesses. He commented he is not sure what exists today off of this site.

MOTION BY MEMBER MILLNS TO CONTINUE THE APPLICATION TO JUNE 21, 2016 AT 7:00 P.M. IN THE MATTHEW THORNTON MEETING ROOM
MOTION SECONDED BY MEMBER RUSSO

MOTION CARRIED
7-0-0

- 6. Steven B. Keach, P.E. of Keach Nordstrom Associates, Inc. for OM Shanti OM Realty Management, LLC. (applicant/owner)** - Review for acceptance and consideration of Final Approval for a waiver of full site plan review for a gas station modernization with convenience store. The parcel is located at 392 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 031.

Mr. Price noted the Applicant is proposing to change the access to the site. The PWD department has requested the site remain configured with one way in/one way out.

Steve Keach, Keach-Nordstrom Associates, Inc., remarked the site was known as the Friendly Bear when it was built back in the mid '80s as a gas station/convenience store. His clients purchased the property last August. At that time, they were aware that the fuel tanks and dispensers and apparatus were out of date, and they would not be able to have fuel delivered to them after December 31, 2015. They operated it as New World Gas until the first of the year when they closed. Shortly thereafter they had the non-compliant tanks removed. Very recently those were replaced with new tanks, which were permitted by the New Hampshire Department of Environmental Services (NHDES) back in the winter.

On March 30, 2016, the Applicant appeared before the ZBA, and was granted a variance to erect a new canopy (47' 6" x 44') that is roughly double the size of the existing canopy. The request was before the ZBA because the existing canopy was constructed approximately 29' from the westerly line of the D.W. Highway right-of-way where 50' is required under the Zoning Ordinance. The Applicant was granted relief to construct a new canopy 30' from the same line approved in the original site plan. There will be four pumps under the canopy as opposed to the two that exist today.

Mr. Keach stated the convenience store is 2,704 sq. ft., and is having substantial renovations performed on the interior. On the exterior of the site, there is a sign frame that will be retained. Pavement is 30 years old, and was cut to facilitate the removal of the non-compliant tanks. Upon completion of the work, that area will be resurfaced. The portions of the site that are not disturbed will be patched, cracks sealed and seal coated prior to restriping. The remaining portions of exterior work will involve general cleanup of the site. The entrance to the front of the store will be made ADA compliant (existing 6" concrete step into the store, handicapped parking location addressed).

There will be no changes to drainage or utilities on the site. The site is serviced by public water and sewer, and a self-contained onsite drainage system that is infiltration based.

When the work is complete, current code requires there to be 15 onsite, off-street parking spaces. There will be 18 as well as spaces at each of the 8 fueling positions; 1 on either side of each of the four proposed pumps.

When asked about sidewalks, Mr. Keach stated that is included on the plan.

Chairman Best questioned if the canopy causes any effect to the way trucks will enter and turn around to fill the fuel tanks. Mr. Keach commented today the site is poorly signed, but was intended by virtue of the original site plan and a 1999 amendment to that plan, to accommodate a short-lived drive-up window. All of the inbound traffic is supposed to enter the north and come out the south. He stated if the PWD wishes for it to remain that way so be it. Fuel trucks are intended to come in, sweep around, and download where the tanks are off to the side. That might have created a conflict had there been a drive-thru there. At this point, his clients have no intention of being in that business.

**MOTION BY MEMBER MILLNS TO ACCEPT THE APPLICATION AS COMPLETE
MOTION SECONDED BY MEMBER DISCO**

**MOTION CARRIED
7-0-0**

Member Russo remarked it was mentioned the PWD has recommended the one way in/one way out configuration remain, and asked for clarification the Applicant is not opposed to that. Mr. Keach stated there is non-Manual of Uniform Traffic Code Devices (MUTCD) compliant signage that tells you how not to go, but not how to go. That can be replaced. He commented he knows that is an argument he would not prevail in with Director Fox.

Member Russo questioned the impact the PWD is concerned about if there were to be a two-way in/out on the site if site distance is not an issue. Mr. Keach responded he does not believe it to be site distance, but rather a matter of policy. You try to limit turning movements on that corridor particularly during the a.m. and p.m. peak hours. Mr. Russo restated his question of what the impact is for the PWD. Mr. Keach remarked probably none, but the Public Works Director is a competent Engineer. It is a traffic issue.

When asked, Mr. Price stated the PWD was provided the plans for review and made a comment on it. Logically speaking from a traffic standpoint, and Deputy Fox being an Engineer that is probably the angle he was coming from, limiting multiple access points on an already busy corridor is probably one of the things that factored into his recommendation. Mr. Price noted when recommendations come in to the department they always put them in as conditions of approval. It is currently listed in the staff memo as a condition of approval. As the discussion evolves if the Board or the Applicant feels otherwise and a different conclusion is reached, that would be stricken, amended, or remain in place.

Member Russo stated he would not want to go against something that the Town has previously approved or something that is typically done. He does not see an issue on this site. Traffic flow is important, and he does not see where this would impact traffic flow as long as safety has been adhered to. He stated his simple answer to be if the Applicant was looking for a waiver of full site plan review, sticking with what exists is the way he would go with this. Mr. Keach stated his appreciation of the remarks, and remarked after looking at the plan and contemplating it, there is a high-density of commercial driveways in the area, and knowing Director Fox fairly well he does not believe he would have made the recommendation just because it sounded good. He does not believe it would impede his client's business one bit.

Chairman Best remarked he is not sure, other than the fact that the Director had a plan to review and observed it, why the PWD comments on the directions of driveway flows, but he is glad to have the comment because it points out something he believes is important. He commented if there was northbound traffic that was trying to turn left into both of those entrances simultaneously while you had southbound traffic trying to turn into the driveway for the business across the street, there would be a mess. Making one of them one-way doesn't resolve the issue, but makes it slightly better.

Chairman Best opened the floor for public comment at 8:33 p.m.

Public Comment

Chairman Best noted his receipt of a communication that came to him by email through the Town's contact website. The email was from one of the abutters, and the remarks were completely positive and very supportive.

Chairman Best declared the public hearing closed at 8:34 p.m.

**MOTION BY MEMBER MILLNS TO GRANT A WAIVER OF FULL SITE PLAN REVIEW NOTING STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP TO THE APPLICANT AND THE WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE REGULATIONS
MOTION SECONDED BY MEMBER RUSSO**

**MOTION CARRIED
7-0-0**

Mr. Keach stated the Applicant agrees with each condition staff has listed in the memorandum with the exception of Item #7g under Planning Staff Technical Comments, which reads: "The Wastewater Division must approve design and construction due to the location of the sewer line and proposed new fuel dispensers." He stated his belief this relates to what is illustrated on the drawing; based on the best as built data that is available for the connection of the 4" sewer service that goes to this, it passes in the vicinity of the proposed island construction. That location was evidenced on the building side by virtue of a cleanout they believe to be completely over the line at the location that it bends as illustrated on the drawing. On the opposite side of the road, it is a PVC line that cannot be picked up by a metal detector, etc., but they have benefit of a field sketch that was done at the time the sewer line was installed. If the telephone poles that were used to do a swing test from are the same ones that are there today, they know where that line is within several feet.

Mr. Keach stated his belief the presumption of staff in their recommendation was that the construction would interfere with the sewer. With the construction of the islands, the pit underneath it, the piping, that should be a few feet or more above the elevation of the sewer. If it was in fact installed in accordance with then and current code, there should be 6' of cover over that. It is anticipated the deepest point of excavation for the installation of the canopy and dispensers will be approx. 4'. They don't believe there is anything to design or construct. The new construction will be vertically atop the location of the existing service.

Mr. Price stated that condition was added during staff peer review. For what it is worth, Wastewater did comment and say that they have no comments or concerns with the plans as submitted.

**MOTION BY MEMBER MILLNS TO GRANT FINAL APPROVAL, WITH THE FOLLOWING PRECEDENT CONDITIONS TO BE FULFILLED WITHIN SIX MONTHS AND PRIOR TO PLAN SIGNING, UNLESS OTHERWISE SPECIFIED
MOTION SECONDED BY MEMBER DISCO**

1. Final plans to be signed by all property owners and all appropriate professional endorsements and signatures shall be added to the final plans and mylars, as applicable;
2. The applicant shall obtain any required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including Section and date granted) or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;

4. The applicant shall indicate any proposed easements on the plan, as applicable. A draft copy of any proposed easements and any applicable legal documents shall be submitted to the Community Development Department for review and approval by the Town's Legal Counsel (legal review shall be performed at the applicant's expense);
5. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
6. The applicant shall address the following comments from the Public Works Department:
 - a. Applicant shall add a note to the plan indicating any work within the public right-of-way will require a permit from the Public Works Department, Highway Division.
 - b. The proposed plan indicates two exit points as evidenced by the stop bars at both curb cuts. Currently there is an exit sign at the southern curb cut and an enter only sign at the northern curb cut. We believe the traffic pattern as signed should remain in effect with updated signs meeting the MUTCD.
 - c. Detailed grading should be shown in front of the sidewalk section and curb openings to show that ponding into the roadway will not occur.
 - d. The outfall for the site drainage should be shown on the plans (does it infiltrate on site or leave the site?); If determined to be part of the drainage system, the flow should be redirected to infiltrate on site.
7. The applicant shall address the following technical comments from Planning staff:

Planning Staff Technical Comments

- a. Traffic flow arrows/markings shall be added to both driveways.
- b. The plan shall be revised to correct the Map number in the title block to Map 4D-3.
- c. A note shall be added to the plan indicating the site is serviced by public water (MVD) and municipal sewer.
- d. A note shall be added to the plan indicating that all signage will comply with Town regulations.
- e. Applicant to note and clarify parking spaces and curbing to be removed to accommodate the larger canopy.
- f. Applicant shall add the required statement from Section 4.06.1.k of the regulations to the notes on the Site Plan.

General and Subsequent Conditions

1. The Building Department notes that the requirements of the most recently-adopted building, fire safety and electrical codes will be enforced.
2. The applicant shall address the following comments from the Fire Department:
 - a. As this proposal is for a new canopy above fuel dispensing islands, the canopy shall have an approved fire suppression system installed and connected to the building's fire alarm system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued.
 - b. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued.

MOTION CARRIED
7-0-0

- 7. Chad E. Branon, P.E. of Fieldstone Land Consultants for Red Oak Property Management, Inc. (applicant) and Turkey Hill Road 136 Trust (owner)** - Review for acceptance and consideration of Final Approval for a subdivision of one lot into two lots. The parcel is located at 136 Turkey Hill Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 4C, Lot 386.

**MOTION BY MEMBER RUSSO TO CONTINUE THE APPLICATION TO JULY 19, 2016 AT 7:00 P.M. IN THE MATTHEW THORNTON MEETING ROOM WITH NO FURTHER NOTIFICATION TO ABUTTERS
MOTION SECONDED BY MEMBER FALT**

**MOTION CARRIED
7-0-0**

- 8. Brett W. Vaughn for the Brett W. Vaughn Revocable Trust (owner) and Allison Jenkins (owner)** - Continued conceptual discussion of a 17-lot cluster subdivision on 2 lots in the R-1 (Residential) District located at 123 Wilson Hill Road and South Grater Road. Tax Map 4A, Lot 023 and Tax Map 5A, Lot 001.

Brett W. Vaughn, read the following statement into the record: "Thank you for the opportunity to speak to you on the matter of water and how it may affect your opinion on the proposed subdivision at 123 Wilson Hill Road. As you know, this is our 4th meeting on the topic. At the first meeting, some abutters suggested they have less than desirable well capacity, and suggested that new wells would make their situation worse. This Board suggested a study be done to answer the questions: 1) will there be enough water supply for the new homes, and 2) would the new wells affect the existing wells. One of the Board members referred a firm, HydroSource."

"I paid for the study and presented it to this Board prior to the second meeting. The report stated that there would easily be enough water to supply the proposed homes. The Geologist also explained to me that given the science of bedrock fracture wells there is no way to predict with certainty that any well will not affect another. He explained that this is common in New Hampshire and that no qualified Geologist would suggest different. He also told me and the Board, at a later meeting, that given the large area and great distances between the wells that the odds were very low of this interaction of the wells."

"The report was discussed, and at the next meeting the board suggested we hire the Geologist to attend the next meeting so that we could answer the Board's questions and to clarify the technical data that was in the report. This was done, and the Geologist clearly explained his findings. This Board then suggested that I hire Emery & Garrett to review the findings of HydroSource. I did that, and believe you all have that report."

Mr. Vaughn stated he has read the report, talked with Geologists, Engineers, Real Estate professionals, read the report from the State Geologist, etc. They all agree to one degree or another that there would be enough water for the new homes. HydroSource, Emery & Garrett and the State Geologist have all written something on the topic. Two of them; HydroSource and the State Geologist, outwardly agree that even with detailed site specific studies you cannot predict with certainty an influence between wells. Emery & Garrett suggest that they should do such a study, one that he is informed would cost a quarter of a million dollars. Still Emery & Garrett does not state they could provide absolute results. In a letter to Mr. Wood dated January 28, 2016 Frederick Chormann, Jr., P.G., State Geologist and Senior Hydrogeologist, states "The orientation, spacing, length, size, etc., of any bedrock fracture is extremely difficult to predict in the subsurface even with detailed site specific studies." He goes on to state "To complicate the matter further, some fractures may be water bearing during times of ample recharge, but be dry at times when recharge is limited." Even Emery & Garrett who suggested the study, makes a statement in their report that contradicts their ability to predict with a site specific study; "Numerous low-yielding wells tapping such a low storage fracture network can eventually lower the water table in the immediate surrounding area potentially with one another over time."

Mr. Vaughn stated the bottom line to be that HydroSource, the original Geologist hired, explained to him that although he would be happy to take the work and enjoy the profit, the test would be a waste of his money.

Mr. Vaughn remarked based on the NHDES publication titled Recommended Minimum Water Supply Capacity for Private Wells, he found that all but one of the functioning abutters' wells meets or exceeds the recommended minimum capacity. The one that doesn't is only a matter of depth (286' deep). If deepened to 400' that well would also meet recommended requirements. That publication along with the second NHDES publication titled Water Supply Options During Drought suggests that the area in question is not unlike the rest of the State, and that this is not a unique situation.

Mr. Vaughn stated there has been much discussion on the well report; location and production of wells used to make the statements on average productions in the area by both of the companies. Emery & Garrett suggested that a narrower scope be used than first used by HydroSource. They also disregarded the higher producing wells from their calculation. Their average included a couple of non-producing wells, but eliminated the high producing wells, but still calculates a 5 gallon/minute average, which is ample.

Mr. Vaughn remarked he knows of two wells; 144 and 147 Wilson Hill Road that are Artesian, one of which is closer to his home than any other abutter. The new well recently dug by an abutter (4 Grater Road), and not reported in the study, produces 8.5 gallons/minute.

Mr. Vaughn went on to state this Board and the Zoning Board routinely approve plans that add to the density of wells in this Town. This Board recently approved a three-lot subdivision that required a variance to have 3 versus 2 lots. The lots are minimum size and direct abutters have less than desirable wells. These lots although on the other side of the road, will likely have wells closer to the existing than the proposed development.

Mr. Vaughn asked the Board to consider what if an abutter, in an attempt to increase his/her capacity, decides to dig or frack a well; would an abutter possibly closer than 100' in the instances of the abutters in question, have the right to stop them. He stated his belief the question wouldn't even come up.

Mr. Vaughn asked the Board, given all of the expert information that has been reviewed, to provide a favorable response to the plan as it relates to the water subject. He also respectfully requested the Board consider if a plan is to be rejected solely on the fact that science prevents the possibility of answering the desired question, would that not prevent any further subdivision approvals that require wells.

Mr. Vaughn provided copies of the reports; NHDES reports that address minimum well capacity and the report regarding drought suggestions. He stated the one thing he wanted to point out is they were not discussing a pool of water or a stream of water under the ground, these are complex, small fractures that go in all different directions. He remarked Emery & Garrett clarified what HydroSource said; there is a likelihood you will be interconnected, but you are interconnected through lines that crisscross and all small producing things.

Mr. Vaughn suggested he could put an easement on the abutting lots giving the right for the abutter to try to dig a well on that property. He referred to a plan noting there are large spread out lots, and the way the topography is it is sloping from the road. The natural spot for the homes on the subdivision would be up tight to the road and certainly the wells would be the same.

Chairman Best clarified the suggestion being made was that within the subdivision, as part of its approval, there would be some restriction that said the wells have to be in a particular area. Mr. Vaughn responded at some point some fracture touches, but in an attempt to try to address the concerns of those who have an existing problem. The wells for the houses in that area in particular could have Deed restrictions with regard to well location or at least have some verbiage that they have to attempt to locate the well elsewhere. He commented when you look at the wells around the area and the ones of abutters who are saying we don't have enough water, some are 200' or 300' wells. He believes some of those that have expressed concern have wells that are under the minimum standard.

Mr. Vaughn stated he would be happy to discuss any other suggestions. However, stated he does not and the engineers do not believe there to be a problem.

Member Russo commented Mr. Vaughn was before the Board continuing conceptual discussions. He questioned what Mr. Vaughn was looking to the Board for. Mr. Vaughn responded he was looking for guidance or an opinion. Member Russo stated you know from what you have gotten from the studies, and the Board cannot give any guidance as to what will happen with the wells. He questioned if it was within the purview of the Board to deny a subdivision plan based on the possibility or effects of what this subdivision's well supply will do to other subdivisions especially with a science where there are no guarantees. He questioned what the Board is looking for.

Chairman Best stated this subdivision is unique from some other subdivisions including the three-lot subdivision across the road. It has some uniqueness because it has these abutters that are really in some fragile and tough shape with their water. While in a normal subdivision there wouldn't be a cause to raise the question about

whether this subdivision has enough water for the new lots and will it not adversely affect its neighbors, that question is before the Board because of what the neighbors have suggested. The materials that have been provided shed a little bit of light on the question, but they certainly don't resolve the question. He understands it doesn't make sense to do a quarter million dollar report that still won't resolve the question if that is the case.

The thing that Emery & Garrett suggested that caught his interest was a test situation where some percentage (50%) of the wells for the subdivision be put in and tested, and if they work without interfering with the neighbors, that is it.

Mr. Vaughn stated that to be the site specific test that is done in other states, and for different reasons; perhaps they don't have granite, etc. He commented even though he sympathizes with Mr. Wood, and he will do whatever he can to help him, he believes the situations raised by the abutters have been addressed. He contends with these reports and by the reports from the NHDES, that this is not an unusual situation in New Hampshire. There are a lot of suggestions of what to do and how to get through that time. He reiterated he would do whatever he could, within reason.

Mr. Vaughn stated he has talked to the engineers and the geologists about the study; this is not a simple test. When you dig a hole in the ground you draw from it, and it may not affect it right now, but what happens if there are different wells, what happens later in the year, what happens when you have to monitor all of the other wells; there are a lot of legal issues that come in when you are drawing from another man's well. That is the \$250,000 estimate he got to do that site study. They are the only ones that suggest let's do it even though in their report there is at least one comment in there that contradicts their exact statement and that is over time.

Chairman Best remarked he agrees with the notation that at some distance from the existing wells you can say with some high degree of certainty that you are beyond the scope of the possibility of affecting those wells. He does not know where the line is, and he can't pick a number because he is not a Scientist.

He thinks the test can be done, and he is not necessarily convinced it is a \$250,000 test to put in 6 wells and see what they do. He does not think 6 is the number, he thinks they are talking about the 3 or 4 lots that about the other lots being the ones of concern, which would, in his view, mean the test would be on 2 wells. He agrees we don't know how far away the number is and the proof of that is some of the testimony of the neighbors where they talked about an unproductive well 3' or 6' away from a somewhat productive well. Those two things 6' apart clearly have no interconnection.

Mr. Vaughn stated Mr. Wood is obviously in bad spot for a well. He has a small lot and is limited on where he can dig. He stated he could allow him to try on his property.

Chairman Best remarked he understands the conundrum he is in and some of the solutions he is getting at are things that would help the Board in one sense, but he has to be clear that this is beyond the Board's jurisdiction. He provided the example of a solution that makes all of the neighbors stop objecting, from the Board's standpoint there is nothing else to consider. What that deal is and how that gets arranged is completely beyond the jurisdiction of the Board. He added all he can talk about within jurisdiction is proving to me the facts of the situation, and he gets he can't.

Chairman Best touched upon the suggestions provided regarding working with the neighbors. He remarked if the neighbors were not before the Board objecting to the project, there would be nothing for the Board to consider. Mr. Vaughn stated he would like to get that done. He stated his feeling there are people that don't want to see the new homes in the area. Chairman Best responded the Board gets a lot of that, and noted none of the abutters have expressed that to the Board, but even if they did, the Board gets that all the time, and it has zero influence on the Board.

Member Russo stated if nobody can prove that anyone will or will not be affected, then he can't see the Board making a decision based on that information. He questioned how the Board could deny a subdivision if there is no way of knowing what the result is regarding the wells. All the Applicant can do is offer something to the abutters if they have an issue. It can't affect the Board's decision because there isn't anyone that can tell the Board either way. Chairman Best stated there is, it is just not an economical way to proceed. Member Russo questioned what would occur if test wells were done, and they affected the neighbors. Chairman Best stated that would result in not obtaining approval. Member Russo questioned how long one would test, and was told it is not a very long period of time, these tests are done all the time. Member Russo questioned how effective it is over a

period of a year, and suggested you have to do it for a year because there are different times of the year when water flows are different. He commented it really is an exercise in futility for the Board because there is no decision that can be made. He remarked were he the applicant he would move forward with offering up the subdivision and see where it goes with the Board. He added if the Applicant was seeking an answer from the Board to say if he goes through all of the money and effort to design the subdivision would the Board deny him is not a fair question to ask the Board at this point in time.

Chairman Best remarked he understands the point with what proof is required, and that the Applicant has the burden of proving the effects of his subdivision. There is enough information before the Board from both the experts and the abutters to call it into question, in his view, and that puts the burden on Mr. Vaughn to rebut that evidence satisfactorily to enough Board members to get it approved.

Member Sebring commented the test wells could show a lot. If you can't find water in the test wells that will tell us something. If you do get enough water you can still test. He does not see how the Board could get comfortable with this without having test wells drilled and doing what has been suggested. Chairman Best remarked he likes the test wells, but also believes there is a distance by which you don't need to test anymore.

Chairman Best remarked he applauds what Mr. Vaughn has done with all of the reports and is sympathetic with the idea that he has gone to the end of the world to do this. The Board is limited in terms of the things it can ask the Applicant to do, and to the extent those things don't make any sense economically that is where it sort of leaves it in the hands of the Applicant to figure out is there something outside of the Board's jurisdiction that he can do privately that puts the Board in a position where what it has before it is able to be approved. Mr. Vaughn stated he is all for that, and noted it is already expensive every time he comes to the Board with a group of experts to talk about it. He stated he would try that approach.

Chairman Best stated when making this suggestion he wished to be clear it is not something the Board could ever order him to do or would ever consider ordering him to do, but if he were in his position; owned the property, and was looking at a willingness to say let me put in a well to see what happens and if it doesn't work I will put in a well somewhere else, and if it costs me \$10,000 to put in a first well, well at least then I will have an answer. He remarked were it him instead of putting \$10,000 into a test well he would use \$10,000 to provide water to the abutters.

Member Millns reiterated he cannot tell the Applicant what to do. He questioned if he would be prepared to make a commitment to the 6 houses along Wilson Hill Road that in the event within the first X number of months, if their wells ran dry consistently because of the activity taking place at the subdivision, he would dig them another well. Mr. Vaughn stated he would to some degree do that. He stated that to be exactly what he would be willing to do, but he would also request that they would look at anybody that has any potential argument that another well 600' from me is going to make my situation worse that they would, on their own, do the recommendations that the State suggests that someone does that owns a well in New Hampshire. It can't become the type of situation where the individual constructing a subdivision is believed to have plenty of money and should be required to dig everyone new wells. He stated they could draw something up that says if you fracked and dug the deepest well that you can, and did all of that and you are still having problems, then he would do X.

Mr. Vaughn reiterated the Board has asked him to get the reports, he has provided the science, they have reviewed all of the situations, and he was hoping the Board would at least acknowledge that based on the reports, there is a very very low chance of interconnecting to any degree, and even if there is an interconnection it wouldn't be noticeable. He does not want to run into the situation later of someone standing up saying I don't have any water therefore this process has to stop. He does not know that any other subdivision would ever get approved if someone could just stand up and say you can't do that over there because you can't prove to me that you are not going to affect my water. He commented it seems to him that if that is the situation it would be impossible to add density of any wells in this area.

Member Millns stated the regulations require the Board to consider the needs and/or objections of the abutters. If a solution can be found, the Board might be able to say we'll take this solution, let's have the proper documents so we can approve it.

Chairman Best stated Mr. Vaughn commented if he used a lot of water it might affect the neighbors but maybe they wouldn't even notice. If they were getting 3-5 gallons/minute and you had an impact of 1 gallon/minute on them they probably wouldn't notice, but they are not there they are at half gallon/minute. If you have an impact on

half a gallon/minute now you are getting a cup full of water/minute, and that is where you could have a serious impact on folks that they would notice.

With regard to the suggestion that since the Board has asked him to prove something he believes unprovable, and if that standard were applied to all subdivisions there couldn't be any wells anywhere, that isn't the situation. If these neighbors were the ones across the street or down the road half a mile he probably wouldn't give their testimony any credibility at all. But these neighbors are very close and are in a very precarious spot as they stand now. That is what makes their testimony meaningful, and led the Board in the first instance to even have him do some reports, and then the reports themselves; some helped a little. He added he does believe if willing to go an infinite amount of depth in the well, sooner or later you will find something. If the only issue were how deep does Mr. Vaughn have to drill his wells and your wells might be 3,000 or 4,000' deep and those cost \$30,000 he would approve it in a minute because those would be his wells.

But the neighbors didn't ask for a subdivision. They want their well to continue to work as it works today. If they've got to make their well go from 300' to 500' or from 500' to 1,500' deep that is a cost they didn't invite, they didn't bring that on themselves, and that is why we are here having the conversation.

Mr. Vaughn stated that to be understood, but added they are already experiencing problems, and the engineers state a well a few hundred feet away isn't going to impact the existing well; certainly not at a gallon/minute. He reiterated he understands the Board has to be concerned with the abutters having the issue. He respects and understands that.

Chairman Best remarked, from a Planning Board standpoint, if the Board approves the subdivision and then there is impact on the neighbors he doesn't worry that the neighbors will sue the Town or the Planning Board for having approved the project because the law doesn't work that way; they don't have the ability to do that. But they do have the ability to sit in front of the Town Council or the Merrimack Village District, and say run a water line up Wilson Hill Road because I don't have enough, and if I don't I will sell my house or can't sell it because nobody wants to buy a house with no water in it so I might as well tear the thing down. Where is the solution if we allow this to go forward and we have the problem. If we can't know ahead of time that we won't have a problem then the other way around it is if there is a solution that we could rely on if we do have a problem. Maybe that is where the easement comes into play.

Chairman Best added that is not that far away if you are talking about not only the easement but bearing the cost of putting that water in, maybe that satisfies your neighbor. He reiterated the Board can't get in the middle of all of that because it cannot broker a deal between the parties. Those are the kinds of things he can think about doing with the neighbors that would have them no longer before the Board complaining. He added, on the other hand if he goes to the neighbors, has those conversations, and believes he has offered everything that is within the realm of reasonable he could relay that information to the Board. Mr. Vaughn responded that sounds reasonable.

Member Russo remarked if the neighbors are having a problem already and haven't addressed it themselves, then he has to ask what is going on. He stated agreement with the suggestion of putting limits on the extent to which Mr. Vaughn can provide assistance.

Member Disco commented he is frustrated trying to figure out what it would take to convince him that the problem is solved or at least no exacerbated. He stated the desire to see some kind of demonstration that would make him comfortable that Mr. Vaughn would not adversely affect the neighbors. He commented some well testing might be convincing.

Mr. Vaughn stated he would have no objection to that, and he intends to take that route.

Chairman Best informed Mr. Vaughn he can, at any time, submit his application, go through the process, and put the Board to the point of making an actual decision on what is before it. When it comes to the lots that are at issue or what it would take in a demonstration should be choose to do a demonstration, from his viewpoint, he was only seeing the three lots that are abutting the neighbors. He does not believe the others are close enough or in the right gradient, based on what he has read of the water science, to give him concern. He commented if you were to do a well in the middle lot and produced a 6 gallon/minute well you have a water supply that all you do is connect these guys to it and you are done. Mr. Vaughn stated they discussed that. The State doesn't recommend sharing water.

Member Millns spoke of his experience with having a tank in the basement of a previous home. He was getting about a gallon/minute, and by storing water he never ran short. The tank would fill when there was water available. He questioned why a tank would not be put in if there is a problem. Mr. Vaughn remarked in the reports from the NHDES they suggest larger tanks, etc.

Mr. Vaughn remarked he would be happy to say, for those two or three, if a well was dug that impacted the abutter, they would dig another. At the same time they could offer the easements, etc. He added he wouldn't mind doing shared water if they could figure out how to work together on it.

Chairman Best commented the choice to not do cluster and to do conventional has made the abutting lots much bigger and given a lot of room on those abutting lots to move the wells towards the road, and has actually changed the geography quite a bit just in the decision not to cluster the lots on the front.

Mr. Vaughn stated it to be possible the road could go higher up the hill. If it were a cluster where they would be donating 40-50% of the land to the Town and having tighter lots, zoning for a cluster would require Town water. To get a variance on that is a direct issue. It isn't a direct issue for this kind of a subdivision. Chairman Best commented were it him, and he had the neighbors satisfied with the water situation, he would ask for a variance to get the 17 lots.

Chairman Best commented other than the issue of water what is proposed as a cluster or traditional subdivision would need a few variances on some of the lot frontage and those kinds of things, there may be a need for a waiver on the road length if more than 1,250'. He stated he would not have any serious concerns about achieving that relief; even the first lot on the left of the road that has a little bit sticking out is something the Board typically reacts to, but even that he doesn't think is particularly concerning.

Chairman Best opened the floor for public comment at 9:42 p.m.

Public Comment

Robert MacDonald, 4 South Grater Road

Stated he is an abutter right off of Wilson Hill Road. He purchased the property about a year ago. He drilled a well about 8 months ago. He suggested other abutters that are having problems with water should go deeper. He went 400' and had a gallon and a half, they went to 800' and he had 3-4 gallons. He said he wanted more so they hydrofracked it, and he got 8 ½ gallons/minute. It has been working fine. He stated his to be a test well, and stated his belief his well has not affected any of the other abutters.

Chairman Best stated his appreciation of the example, and remarked no matter what you have done in the past there is always a way to go deeper, wider, etc. However, the neighbors that came and testified before the Board did describe quite a bit of stuff they had done.

Mr. MacDonald commented Mr. Vaughn is a great guy, and he would love to see some nice homes built out there.

Jim Wood, 119 Wilson Hill Road

Commented when you wake up, go to take a shower, and turn on the faucet and it is empty you kind of wonder in August what else you could do; drill 3 wells, 3 hydrofracks, etc. He stated he has invested enough money in water and wells in his property. He is currently digging a pit around the outside of his basement to channel the water that is coming off the side of Wilson Hill into his sump pump to pump it out. A month from now there won't be any water whatsoever. He stated he has one of those big tanks in the basement to hold water. On average he uses 55 gallons/day. He tracks it so that he can gauge what August will be like. The area is all rock.

You could drill in different areas and it may or may not affect existing wells, but when you put 17 houses up on the hill behind his home and every one will be drawing off the same aquifer, who knows what will happen. He questioned why he should have to go out and drill another \$30,000 well, and stated he has already spent \$50,000 on water wells.

Mr. Wood stated he realizes Mr. Vaughn has a right to develop his property, and questioned if that is going to be at his expense. He stated he wants what is best for everybody on that hill. He understands Mr. Vaughn wants to

develop that property. Mr. Wood stated the people that developed the property his house is on owned all of that land at one time, and when they got done developing his home they decided they would not develop anymore because of the problems with the water. He stated he did not know that when he moved into the house. He has an Artesian well until the middle of April (1,460' down). He stated he would like to help Mr. Vaughn. He does not need his money to develop his property and get him water and has never asked anyone to give him anything. What he wants is consideration whenever they are developing that property. He stated he really doesn't want a cluster developed behind his house.

Chairman Best remarked there is the need to limit the discussion to the proposal before the Board, which is not a cluster. Mr. Wood stated the idea of a cluster scared him. He reiterated he has drilled all over his property. The well drillers have told him they can only get him to where they can back a truck into. His property is all rock. Half of his yard is wetlands.

Shawn Farrell, 2 Landau Way

Stated he just purchased one of the properties that came up in discussion, across the street from Mr. Vaughn. He spoke of his dealings with Mr. Vaughn stating he found him to be extremely honest and thoughtful. He stated his belief Mr. Vaughn has essentially done everything that everybody has asked him to do. He urged everyone to come to the table with an open mind.

Mr. Farrell stated he has paid attention to this issue because he plans to build a house across the street. He spent half of his day on the phone with well drilling companies asking a lot of the same questions that were asked tonight. He stated it to be very tough to sit back and watch someone come to 4 or 5 meetings, spend all kinds of money and time and do everything that is asked, and then to hear people say well I don't know what I want to hear but I want to hear something else.

Mr. Millns questioned what Mr. Farrell's well driller would be doing. Mr. Farrell stated he has not drilled a well yet. He spent the day talking with different companies seeking estimates. He received an email from a company in the Concord area who has stated he cannot provide a cost, but could look at the abutters. They spoke of elevation, and he was told that has no effect at all. There are some wells that are 300' deep and others that are almost 1,400' deep. It is a complete guessing game.

Chairman Best commented he hopes they weren't so confusing to Mr. Vaughn to suggest that they don't know what it is that they want to see or what the old reports were. He did go down a list of a lot of things he has done, and of course all of that comes with a cost that he has been willing to bear so far. The challenge though is not that when we say go have a report done by this company, it isn't that the existence of the report answers the question, it matters what is in it. If it didn't answer the question about water, that is where the request for something else that does answer the question comes from. If at the point where they have done the things that are reasonable and there is no report that can answer this question that is where there is the need to come up with some other approach.

Mr. Farrell stated his understanding most of these reports come to that conclusion; no matter what we do there will not be an answer. With regard to testing, to do any kind of testing you have to have a baseline. He questioned what the baseline would be. Chairman Best responded Scientists can work that out; they can go to the neighbors and say let me see what kind of volume you are getting out of your well. He remarked if Mr. Vaughn came back and said I'm willing to do the test but they won't let me see what their baseline of their well is, well then a decision can easily be made based on that information.

When the Board has asked Mr. Vaughn to do some research or to have Skillings & Sons, Inc. come before the Board to provide information on the well situation, it is not just that the Board who wants to hear from them it is that the Board wants to hear something that resolves the concern.

David Huoppi, 115 Wilson Hill Road

Stated he has not had a problem with his well. His three neighbors to the left all have trouble, and he doesn't want to see that progress. When asked, he stated he is not aware of the amount of water production he gets out of his well, but does know it has been working just fine. When asked he stated there are 5 people residing in his home.

Chairman Best commented in doing research on this question he has found that water supply companies like the MVD estimate that people use 150 gallons per person/day, and found real resources that say that is a high estimate and it is more like 1/3 of that. When reviewing his own water use to see why his septic system is failing he found they use about 1/3 of that.

Mr. Huoppi questioned if drilling test wells on the hill, how much they would run to determine whether there would be an impact on the neighbors. Chairman Best responded he doesn't know. The consultants proposing that would have to design the test. He has seen those tests done in scenarios where the NHDES approves a major groundwater withdrawal for a bottling plant for example, and they run the pump as fast as it will run and see what happens to the aquifer around it with some test wells. When they are talking about those they are talking about 500,000 gallon/day wells. The impacts are apparent and there is a sizable enough investment to have test wells surrounding it that are able to tell that the aquifer got drawn down X amount. Usually when they are doing a test well they tax the tested wells as hard as they can to see what happens to the neighbors. If they drilled those wells and they produced 10 gallons/minute, they would pump them at 10 gallons/minute and see what happens. He reiterated all of that is his conjecture based on other experiences. An actual Scientist would have to design a test and validate it.

Mr. Huoppi stated Mr. Vaughn does have the right to buy the land and develop it. It is just that the abutters are concerned they will have to spend all kinds of money and repairs on their wells if they get worse.

Chairman Best questioned if he has considered the distance that gives him concern. Mr. Huoppi stated he does not know how far away is safe. Chairman Best questioned if he has had the ability to observe if his well or any of the neighbors' wells are affecting each other. Mr. Huoppi responded he wouldn't know.

Fred Grimes, 117 Wilson Hill Road

Stated his well is drilled to 650'. When Skillings & Sons, Inc. drilled it they said that is it; we can't go below 650'. He cannot extend his well. He stated he has the possibility of running out from July through November of each year. The four people in the home are very conservative with water; turn water on to get wet and shut it off, soap up, and turn it back on again and rinse off. He waters the plants in his yard with fish tank water. Last February his pump went and was replaced. The static level in the month of February was 360.

He stated he does not need someone to come in and do a base run on his well to find out that he won't be able to shower for 3 or 4 days, 5 days, couple of weeks. He commented he doesn't need to do another well; they have learned how to live with what they have. They don't need it being changed.

Chairman Best questioned if anything other than the well is used, e.g., water tank. Mr. Grimes stated there is a small reserve tank (approx. 6' high cylinder). Mr. Grimes stated he does not water his lawn, and in fact changed his landscaping to get rid of the lawn. He has worked his environment so that he doesn't have to use water because he doesn't have it to use.

Mr. Grimes spoke of discussion of septic runoff, and questioned if it would be addressed further down the road. Chairman Best stated, from an engineering standpoint, septic and rainwater runoff, drainage, etc. are eminently manageable. Those issues are always solvable with the right engineering. The Board will wait to see what the proposal looks like, but he has no doubt a solution can be found for that. He added he does not know if the water problem is solvable and that is why it continues to be discussed. It may be complicated to resolve the drainage and the rainwater runoff, but that is just not that difficult a problem to solve.

Mr. Grimes spoke of being bothered by the ledge, which everyone keeps saying is non-existent. Chairman Best remarked there is no question there is ledge up there. Mr. Grimes questioned blasting. Chairman Best stated the Board would have to hear from the Applicant whether that was his proposal. He commented he thinks everybody on the Board is convinced there would be ledge up there because that is what that whole geography looks like, but blasting isn't necessarily the only way to get ledge out of there. The Board would have to wait to hear from the Applicant.

Member Millns remarked the Board was very involved in the development of the Outlet Mall, and set higher standards for blasting there with the cooperation of the Fire Chief, and the neighbors may be assured the Board would show no less standards for them. Chairman Best noted that involved doing pre-blast surveys of the

surrounding homes, e.g., recording what condition they are in so there isn't any dispute afterwards about what was preexisting, etc. Use of blasting mats were required to keep the flyrock from traveling, etc.

Mr. Grimes remarked to sum everything up, it is all about the water. Chairman Best responded at this stage it is all about the water because that's the thing that has the potential to be a deal breaker for Mr. Vaughn. All of the other kinds of things, e.g., traffic, width of road, lighting, etc., are normal Planning Board issues, but those things are all so easily manageable one way or another it is just a matter of getting to the point where he has a plan where the Board can see how those are solved. Those kinds of things are all solvable problems. This water is the one that may be difficult to figure out. That is why all of the conversation so far has been about water.

Chairman Best declared the public hearing closed at 10:11 p.m.

Mr. Vaughn stated he hears the concerns and understands particularly the severe situation that Mr. Wood is in, he believes that they can talk through some of the suggestions that were made by the Board, and he intends to do that. He stated if there was only one detail he would like to keep in mind, and he totally understands how frustrating the situation is for him, but the one thing he would like to point out is that it is an existing situation. Chairman Best commented that is a good point, and they are not asking for the situation to be solved, they are really saying pretty clearly they just don't want it to get worse.

Chairman Best applauded Mr. Vaughn's willingness to have the long conversation with the Board and go through these details.

9. Discussion/possible action regarding other items of concern

Chairman Best informed the Board during the Annual Meeting with the Town Council, they discussed briefly the odd way the Board has of dealing with sidewalks, which has resulted in at least some interest in having more discussion about sidewalks in a way that resolves some of those things. He commented, up to this point we have been extremely nebulous as to what that means and probably have to do a little better at putting some details on what it is we would like to talk about. He stated he would undertake that and share with the Board what he would like to talk about with the Town Council, and would welcome input.

When asked if any discussions have occurred with the Nashua Regional Planning Commission regarding the study, Chairman Best stated they have not as of yet. Member Millns stated his belief the Town Manager wants to have a one-on-one with the Chairman to try and identify some more issues to bring before the Town Council. Chairman Best remarked he caught the video of the Town Council's discussion of that and gathered the same thing.

Chairman Disco spoke of a short briefing he gave to the Highway Safety Committee earlier in the day about the work of the Town Center Committee, and the Committee's plans for sidewalks, which has been approved by the Town Council albeit without any funding. The Highway Safety Committee was very supportive, and recognized the safety implications of appropriate pedestrian and bicycle ways as far as the Town Center is concerned.

Chairman Best questioned if there is current information/maps the Town Center Committee has generated that could be distributed to the Board. Member Disco's response was absolutely. He stated the map is the same as that which was distributed in 2009. He noted the map and the whole iTRaC report for the Town Center is in the Master Plan. Things the Town Center Committee has been able to do have resulted in recommendations to the Town Council, which have not yet been acted upon, e.g., the dead-ending of Church Street in order to build a sidewalk north from the Library. The Transportation Alternatives Program (TAP) Grant is going ahead. The release of the money by the Federal Government occurred this week. The engineers are now proceeding with a feasibility study. There will be a Public Hearing within a month on the Souhegan River trail, which includes the pathway through the sluiceway under Route 3 all the way to Wildcat Falls. The Committee has put together all of the property to do that, which required cooperation from Pennichuck Water Works, purchase of a piece of land utilizing monies from the Conservation Commission, there is full agreement from the School Board for passageway through there, and a letter from the State regarding a piece of State owned land. The State has implied they will give us that land after the widening of the F.E. Everett Turnpike.

Member Disco stated his hope Councilor Koenig will be an advocate for this at the Town Council's upcoming Retreat.

Councilor Koenig stated the Town Council is having their Annual Retreat on Friday the 10th beginning at 9:00 a.m. at SURESC, 29 Commerce Drive, Bedford. An item under the category of Infrastructure specifically calls out sidewalks as part of the discussion. He noted the Town Manager is not enthused about pursuing sidewalks because the Town Council is not enthused about pursuing sidewalks because the Town Council doesn't want to take on the cost and responsibility of maintaining the sidewalks through the winter. Until we can get through the understandings of how we handle and manage sidewalks and pay for \$100,000 snow-clearing equipment times multiples because the one we have is not sufficient for the sidewalks we already have much less adding any others. Until there is some kind of resolution for all of that or a better feel for what the responsibilities are, the Town Council is not likely to move.

Chairman Best remarked the question about the existing sidewalk plow and whether it is sufficient confuses him because there are only 26 miles of sidewalk so in a day or two you can be from one end to the other. He questioned why there is the belief we not only can't make do with what we have, but do more with what we have. He remarked even if 2 days means 3 or 4 days he is so far from the idea that we are swamped with work for the snow plow that we can't keep up, and would have to go buy a second or third machine if we have a few more sidewalks.

Councilor Koenig commented there is also the issue of personnel and the fact the machine is wearing out and spends a lot of time in the shop. Can you run that thing for 26 miles and expect it to run continuously for two days is another question. The PWD has stated it doesn't run that well. It was noted the machine has some summer time functions as well. Member Disco commented he does not believe there is the need to plow every stretch of sidewalk in the Town. Councilor Koenig stated there is a priority on the sidewalks, e.g., the ones around schools get plowed first. Many don't get done from storm to storm because the priority isn't that high. Member Disco remarked he is okay with that, and questioned the problem. Councilor Koenig stated the problem to be the legal factor if someone gets hurt and sues the Town.

Chairman Best stated there isn't any legal liability for snow clearing, and noted the New Hampshire Municipal Association has written a great long article on exactly that; we are not winter road maintenance or sidewalk maintenance. That doesn't mean there aren't any other issues with maintaining sidewalks. He remarked the overall concept that seems to be forgotten is the plan we have now says put sidewalks everywhere. We actually want to adopt a plan that has fewer sidewalks in it than what we have today, and yet we are getting this pushback that is focused in the other direction.

10. Approval of Minutes

April 19, 2016

Member Disco commented under Agenda item #5, under the General and Subsequent Conditions, #4 addresses the Fire Department assigns addresses. It occurred to him that the Board never talked about the lots in the back that are now being accessed off of Baboosic Lake Road. The two lots discussed (45 and 45-1) are the ones on Baboosic Lake Road. The other two lots were originally going to be accessed off Marty and then changed that around at the meeting to access them off of Baboosic Lake Road. Those two lots should get Baboosic Lake Road addresses. Mr. Price stated since approved by the Board, he was informed they would get Baboosic Lake Road addresses.

**MOTION BY MEMBER MILLNS TO APPROVE THE MINUTES OF APRIL 19, 2016 AS PRESENTED
MOTION SECONDED BY MEMBER RUSSO**

MOTION CARRIED

5-0-2

Member Sebring and Councilor Koenig Abstained

May 3, 2016

Member Disco spoke of having submitted to staff earlier in the day some minor comments on the proposed sign Ordinance.

**MOTION BY MEMBER FALT TO APPROVE THE MINUTES OF MAY 3, 2016 AS SUBMITTED
MOTION SECONDED BY MEMBER MILLNS**

MOTION CARRIED
7-0-0

11. Adjourn

MOTION BY MEMBER MILLNS TO ADJOURN
MOTION SECONDED BY MEMBER RUSSO

MOTION CARRIED
7-0-0

The June 7, 2016 meeting of the Merrimack Planning Board was adjourned at 10:37 p.m.

Submitted by Dawn MacMillan