



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MAY 03, 2016

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Lynn Christensen, Desirea Falt, Vincent Russo, and Alternates Nelson Disco and Jeff Sebring.

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

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m.

2. Planning & Zoning Administrator's Report

Chairman Best welcomed Town Council Representative Tom Koenig back to the Board.

Robert Price stated that staff awaits Planning Board members' comments about proposed revisions to the Sign Ordinance.

Staff recommends that the Board determine that the following two projects are not of regional impact: David Sanderson seeks a waiver of full site review to permit the proposed conversion of an existing garage into a single-family residence to serve as a third residential unit on the property. Meridian Land Services and The Robin M. Warren Revocable Trust seek final approval for a minor subdivision of one lot into two lots.

Regional Impact Determinations: The Board voted 7-0-0 to determine that Sanderson waiver of full site plan and Robin M. Warren Subdivision are not of regional impact, on a motion made by Lynn Christensen and seconded by Alastair Millns.

- 3. Sanderson, David (applicant/owner)** - Review for acceptance and consideration of a waiver of full site plan review, to permit the construction of a third residential unit. The parcel is located at 81 Seaverns Bridge Road in the R (Residential) and Wetlands Conservation Districts. Tax Map 3A, Lot 029.

David Sanderson, 81 Seaverns Bridge Road, proposes to put a third residential dwelling unit inside an existing four-car detached garage and remove the deck from the architectural plans. He assured the Board that the new home would fit exactly into the current garage footprint.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Desirea Falt.

The Board voted 7-0-0 to waive full site plan review, on a motion made by Alastair Millns and seconded by Desirea Falt.

There was no public comment.

David Sanderson stated that the septic system would be designed to be separate from the existing system and a new well would be placed where the designer determines. Robert Best and Tom Koenig reminded the applicant that the septic system must be placed away from the well and the wetland. Lynn Christensen stated that the two-bedroom septic system now servicing a four bedroom home must also be corrected.

The parcel is accessible only through Amherst and has no road frontage in Merrimack. It is one of several lots in the area with driveways off the Amherst portion of Seaverns Bridge Road. This property has a driveway easement across a residential lot in Amherst to reach Seaverns Bridge Road. Alastair Millns suggested making a condition of approval that the driveway easement to allow access to Seaverns Road through the abutting Amherst property be placed on the plan and on the deed and that a copy be provided to the Community Development Department. Nelson Disco added that three other pieces of property are utilized for access: two in Amherst and one in Merrimack. Alastair Millns said that the applicant has an easement for the two in Amherst. David Sanderson said he shares a driveway with a property in Amherst and also the other Merrimack property and pays taxes to Amherst for his access rights.

Desirea Falt noted that the new roof would collect more water that would run down to the ground and toward the wetland. Vincent Russo added that it would create more impervious surface and asked how it would be kept out of the wetland. Chairman Best reminded the Board that it had just granted a waiver of full site review. Desirea Falt was concerned that the building straddles the wetland setback. Chairman Best reminded the Board that the Zoning Board of Adjustment (ZBA) granted a variance to permit a multi-family dwelling in the R-2 (Residential) District. Robert Price stated that the ZBA did not have this plan and were unaware of the encroachment; however it is a moot point because it is a pre-existing condition that is not being made worse by this application. Robert Best asked if the applicant made an appearance before the Merrimack Conservation Commission (MCC). Robert Price replied no, adding that an appearance before the Merrimack Conservation Commission (MCC) was not required. David Sanderson said the wetland is a seasonal stream behind the house that is dry in summer.

Alastair Millns noted that a deck is shown on the applicant's architectural plans and asked if he planned to build it. David Sanderson replied he would not build it, noting instead that the house would be accessed from a stairway from the second floor. Chairman Best explained that construction of either a deck or stairway at the back of the house would require a ZBA variance because they would be encroaching into the wetland setback. David Sanderson said he could put the stairway on the side. Desirea Falt noted that second floor windows count as an egress. Alastair Millns added that the

applicant cannot put anything on the back of the house that touches the ground without a ZBA variance. Desirea Falt suggested a cantilever deck that does not touch the ground.

David Sanderson asked what an appearance before the MCC would mean. Robert Best explained that the MCC would be concerned about fertilizers and salt because of the proximity to the wetland and place related conditions that would be incorporated into any approval the Planning Board may give.

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

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Vincent Russo.

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. 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;
5. The applicant shall appear before the Conservation Commission and address any forthcoming comments from the Conservation Commission, as applicable;
6. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;
7. The applicant shall address any forthcoming comments from the Building Department, as applicable;
8. The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
9. The applicant shall address the following Planning Staff Technical Comments:
 - a. Applicant to note the variance under Section 3.02 of the Zoning Ordinance to permit a multi-family dwelling in the R-2 (Residential) District received on March 30, 2016 on the plan.
 - b. Applicant to note required and available parking spaces on the plan;
 - c. Applicant to provide a copy of the driveway access easement to the Community Development Department, and note the HCRD Book & Page information and easement area on the plan;

- d. Applicant to note the number of bedrooms per each unit;
- e. Applicant to add 25' no-disturb buffer delineation to the plan;
- f. Applicant to include additional septic/leach field and well for proposed single family residence, if applicable.
- g. Applicant shall provide new architectural drawings that do not show a deck or external stairway.

General and subsequent conditions

1. A certified plot plan is required per Section 6 of the Merrimack Subdivision & Site Plan Review Regulations for a certificate of occupancy;
 2. The proposed single family home shall meet all current codes for a **new** single family home including smoke detector and carbon monoxide detector regulations in addition to all other building and fire regulations for a new single family home;
 3. The Fire Department assigns an address of 81C Seaverns Bridge Road to the new home.
- 4. Meridian Land Services, Inc. (applicant) and The Robin M. Warren Revocable Trust** - Review for acceptance and consideration of Final Approval of a minor subdivision of one lot into two lots. The parcel is located at 17 Knollwood Drive in the R (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 292-02.

Mike Hammer, Land Surveyor, Meridian Land Services, Inc. gave a history of the 12.5 acre parcel. The easement to extend water to the existing dwelling was never utilized. The property has a septic system and a well. On February 24, 2016, the ZBA granted a variance to permit a two-lot subdivision with one of the lots having 40' of frontage whereas 250' are required. A perc test proved that the lot can support a septic system. The lot is 5 acres with 4.5 acres of contiguous upland.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board vote 7-0-0 to accept the application for review, on a motion made by Desirea Falt and seconded by Alastair Millns.

Chairman Best suggested a condition of approval that the applicant revise line types and weights on the plan for clarity.

Alastair Millns noted that the April 28, 2016, staff memo is incorrect in stating that the land is serviced by municipal water and private septic, unless it is referring only to the new lot. Chairman Best suggested a condition of approval that that applicant clarify and note water and sewer sources for Lots 292-2 and 292-3.

There was no public comment.

Mike Hammer stated that, since there is no sidewalk anywhere on Joppa Road, there is no benefit for a sidewalk on 300' of the road.

The Board voted 7-0-0 that a sidewalk waiver is not necessary, on a motion made by Lynn Christensen and seconded by Tom Koenig.

Where the distance from the center line of Joppa road to the property line is less than 25', the Public Works Department (PWD) wants an easement for future improvements. Mike Hammer made his own measurements and noted there is about 24 feet there now. He noted that Joppa Road has varying widths. Mike Hammer said that, since current conditions are more than adequate for future PWD improvements, he should not have to comply with the easement request. The additional cost is a burden on the applicant, who is eager to finish the project. In his opinion, 1½'-1½' would not make a significant difference nor serve a practical purpose just for a travel lane. The extra space is not necessary. PWD's reason cannot be uniform width, since lots on the other side do not comply. Alastair Millns suggested a continuance in order to learn PWD's reasoning behind their request. Nelson Disco said 25' from the center line was put in the Subdivision Regulations many years ago to allow road widening and straightening, sidewalks, and drainage. Mike Hammer said the lot to the south has less clearance than this lot and had no such restriction placed on it when it was created in 1992. Lynn Christensen suggested Planning Board approval subject to PWD approval or an easement. Chairman Best reminded that Board that Town departments do not want to be final arbiters of a Planning Board decision. Mike Hammer stated that, since the applicant does not want to wait until June, he will accede to PWD's request.

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

The Board voted 6-1-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Vincent Russo. Michael Redding voted in the negative.

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits (NHDES Subdivision, NHDES Wetlands, and any others *as may be applicable*), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Assessing Department, as applicable;

6. The applicant shall address any forthcoming comments from the Building Department, as applicable;
7. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
8. The applicant shall address the following comments from the Public Works Department:
 - a. A note should be added indicating any work within the public right of way requires a permit from Public Works, Highway Division;
 - b. Where distance from the centerline of Joppa Road to the property line of lot 6C/292-3 is less than 25', a right of way easement or a dedication of land should be granted to the Town.
9. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
10. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
11. The applicant shall address any forthcoming comments from the Police Department, as applicable;
12. The applicant shall address the following Planning Staff Technical C
 - a. Applicant to add a note that wetland buffers should be verified and shown on a certified plot plan prior to issuance of a certificate of occupancy;
 - b. Applicant to revise line types and weights for clarity.
 - c. Applicant to clarify and note water and sewer sources for Lots 292-2 and 292-3.

General and subsequent conditions

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways;
4. The Fire Department assigns an address of 117 Joppa Road to the new residential lot, Map 6C, Lot 292-3.

5. Discussion/possible action regarding other items of concern

Chairman Best announced that the annual Planning Board report to Town Council is scheduled for May 12, 2016, and asked members to submit suggestions for topics to Community Development Director Tim Thompson, who will distribute them to the Board. Nelson Disco suggested the Master Plan be a topic.

On behalf of Chestnut Hill Subdivision, Meridian Land Services submitted a request for a three-month extension to allow it to complete remaining details noted in the Condition of Approval letter of June 3, 2015, and for town staff to have adequate time to review and confirm compliance. Staff recommends a six-month extension just to ensure there is enough time to complete the outstanding items without having to request a second extension. Alastair Millns noted that one company Meridian works with is in receivership, likely causing the extension request. Nelson Disco was the only Board member who wanted a review of the revised drainage design and Meridian's response to CLD comments, but he noted he would be happy to do so in the office and report back.

The Board voted 7-0-0 to grant Chestnut Hill Subdivision a six-month extension to December 2, 2016, on a motion made by Alastair Millns and seconded by Lynn Christensen.

6. Approval of Minutes – April 19, 2016

The approval of minutes was tabled until the next meeting.

7. Adjourn

The meeting adjourned at 7:52 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.