



# Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

**TUESDAY, AUGUST 6, 2013**

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Lynn Christensen, Stanley Bonislowski and Alternate Nelson Disco.

Planning Board members absent: Desirea Falt and Alternate Matthew Passalacqua.

Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

#### **1. Call to Order**

Chairman Best called the meeting to order at 7:30 p.m. and designated Nelson Disco to sit for Desirea Falt.

#### **2. Planning & Zoning Administrator's Report**

Tim Thompson announced that Assistant Planner Donna Pohli will attend the August 20, 2013, meeting.

In answer to Alastair Millns, Tim Thompson said that the gun store at the intersection of Bedford Road and D.W. Highway has received all necessary approvals and was relocated from next to Galaxy Gas on D.W. Highway.

Item 3, Public Hearing for the adoption of the 2013 Master Plan, was taken up after item 5, Northview Homes & Development, Inc. (applicant) and Carl A. Quimby Revocable Trust & Larry Kittle (owners).

**4. XTL, Inc. (applicant) and Sam A. Tamposi, Harold Watson, Benjamin M. Bosowski, Jeffrey & Jessica Clegg (owners)** – Discussion and possible action regarding a request for an extension of six-month limit for compliance with conditions of final subdivision plan approval granted by the Planning Board on February 5, 2013, and amendments to the previously approved subdivision plan, located at Mast Road in the I-1 (Industrial) & Aquifer Conservation Districts. Tax Map 2D, Lot 021.

Robert Best recused himself from discussing and voting on this item and passed the gavel to Secretary Alastair Millns to chair the Board for this item

Tim Thompson said that there have been no changes to ordinances and regulations since the Board granted site plan approval to construct a 182,000± square foot warehouse on March 13, 2012. The owners wish to convert the proposed shared private drive to a public town roadway, which changes the 20' side setback requirement to a 50' front setback requirement. On June 26, 2013, the Zoning Board of Adjustment (ZBA) granted a variance reducing the 50' setback to 22'.

Robert Baskerville Bedford Design Consultants, said there was no curb on the original plan. The subdivision line/driveway went directly to the street. The road boundary was shifted to avoid wetlands that were subsequently identified. XTL would face anyone coming down to the street, who would have to enter the back lot on Mast Road through the XTL property. An entry road/town road would be named “XTL Drive” (pending Fire Department approval) and have a street address. It was originally designed to town road standards and approved by the ZBA. There are no significant Public Works Department (PWD) comments. The driveway will be kept where it was originally approved as a town road. Originally there was one drainage calculation for the site plan. A waiver is sought for the drainage, since there is no need to split it in half, making one for the road and one for the site. It is a paperwork issue. Except for small details, there has been no change in the site plan.

Katie Weiss, Bedford Design Consultants, said there is one change: the cul-de-sac/road toward the back is closer to the building. There is still an access easement, which Robert Baskerville explained is just for XTL access to the back. Tim Thompson said the access easement would be on the site plan, which is not yet available.

Robert Baskerville said the Police Chief asked for “no trespassing” signs to be posted immediately because the mound in front is being used as an informal, illegal shooting range. XTL will remove, flatten and seed it to prevent it from being used as a target.

Nelson Disco noted the sense of urgency expressed in February 2013. He voted against the project because he was and is still concerned about traffic and its impact on Route 3 and proposed future lighting, which was never addressed. Robert Baskerville said it would still be a liquor warehouse. Because the client will pursue the matter as far as legally possible, urgency has temporarily disappeared. Nelson Disco wanted site plan approval to include a traffic estimate and impact on town roads.

Tim Thompson reminded the Board that the agenda item is the subdivision plan rather than the site plan. A compliance hearing will be held before the site plan obtains final approval.

Alastair Millns added that the Board insisted on a full traffic study. He opposed making “XTL Drive” a public town road rather than a private road with public access. He cited an example of the latter and said that the town should not maintain a road exclusively for the use of the site’s users. Katie Weiss said the issue is the placement of signs. The top lot cannot have a sign on Mast Road because of the wetlands. It must be on XTL property, which is not allowed. It can be placed at the end of a public road. Alastair Millns countered that signs can be put anywhere, with sign easements. Robert Baskerville explained that the owner and the purchaser of the land signed a purchase and sale agreement stating that it must be a town road and built to town standards. The seller is adamant. Bedford Design was instructed that it must be done and was unaware of that fact when it sought original approval. The buildable portion is in back. The XTL building will be close to the road.

Tim Thompson explained that the seller could stipulate anything in a purchase and sale agreement as long as the application meets town regulations and staff conditions.

Michael Redding said it looks no different from a two-lot subdivision that services two entities that will provide jobs and be an economic advantage to the town, although there

is a cost and it is not the most desirable piece for the town as a future investment. Nelson Disco said there is no road frontage requirement in the industrial district. The land can be developed as is or with a private road. There is no benefit to the town for taking responsibility for a piece of road for a small development. Tom Koenig added that the Planning Board does not have the opportunity to deny the road if it is built to town requirements. It is Town Council's responsibility to accept a road. Tim Thompson agreed that, if the Planning Board approves, Town Council would have to accept this as a town road. Tom Koenig added that Town Council would be open to a lawsuit if it denied a road that meets all town standards because it does not like it. Stanley Bonislowski said the site plan begins the process. The applicants were already told that it would be a town road. The Planning Board must discuss the issue. Town Council never denies anything that meets specifications.

Robert Baskerville said that whether the building will be erected is up in the air. The access allows entry for a future subdivision and allows for more options. Sam Tamposi wants additional developable land, but he has no immediate plans for it. Nelson Disco said an easement is needed from the present owners for both a private and a public road. Robert Baskerville said it would be a Mast Road address with one driveway. The matter of the liquor warehouse is in the hands of the court. Alastair Millns felt pressured, but there is probably no alternative. The applicant should have told the Planning Board at the beginning that Sam Tamposi wanted a public road to divide the two properties. Robert Baskerville and Katie Weiss stated that they did not know it until April 2013 and thought that they were building a road to town standards. They discovered the fact when mylars were to be signed and after April 13, 2013, site plan approval.

Robert Baskerville withdrew the request to waive the drainage calculation requirement.

Stanley Bonislowski asked whether the applicant could build a town road to be maintained by the owner. Tim Thompson replied that it is up to the owner. Alastair Millns said that, if an 18-wheeler skidded on the road, it would destroy the surface and the town would bear the cost. Tim Thompson said that is the rationale for PWD's technical comments. The plan was not signed because the road is an issue. The six months expired on August 5, 2013, hence the extension request.

Staff recommends that, since there have been no changes to any Ordinances or regulations that impact this project, the Board grant the request for the six-month extension.

**The Board voted 6-0-0 to extend approval for the plans approved on February 5, 2013, for an additional six months, on a motion made by Stanley Bonislowski and seconded by Tom Koenig.**

There was no public comment concerning the amendments.

Tom Koenig asked whether the road is identical to the previous plan. Robert Baskerville said it is. It would be 900 linear feet; and it would be 800' to the center of the cul-de-sac. Tim Thompson said the Fire Department wants an additional access easement so it can come through both sites.

Lynn Christensen asked whether the two lots could be further subdivided. Robert Baskerville and Katie Weiss said they could.

**A motion made by Michael Redding and Tom Koenig to amend the previously approved subdivision plan, with conditions, failed, by a vote of 3-3-0. Alastair Millns, Lynn Christensen and Nelson Disco voted in the negative.**

Staff recommends that the Board vote to grant final conditional approval to the application, which will supersede the previous conditional approval from February 5, 2013, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

Tim Thompson said that, given the seller's conditions, not making the road a town road would mean that the town could lose the project because the seller would not sell to XTL. Michael Redding said the Board must weigh the cost vs. potential economic opportunity. The Board tried to support the applicant when it hurried through the previous approval. He suggested that the applicant and seller discuss the matter, then return for another hearing. He asked whether it is really a deal breaker and whether there are other options to make it more palatable. Following the further discussion, Nelson Disco decided to change his vote.

**The Board voted 4-1-1 to amend the previously approved subdivision plan, with the following conditions, on a motion made by Michael Redding and seconded by Tom Koenig. Lynn Christensen voted in the negative; Alastair Millns abstained.**

1. The applicant shall provide a recordable sheet of the site plan meeting the requirements of the Hillsborough County Registry of Deeds, in accordance with the Regulations;
2. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, checks made payable to the Hillsborough County Treasurer) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
3. A draft copy of the easement language for the proposed easements to be submitted to the Community Development Department for review and approval. If the Town of Merrimack is a party to any of the proposed easements, said documents shall be reviewed and approved by the Town's Legal Counsel at the expense of the applicant. Upon approval, a copy of the final executed easement documents shall be submitted to the Community Development Department prior to recording at the Registry of Deeds;
4. The applicant shall provide the requisite copies of the paper plans and mylars with all appropriate professional endorsements for the Planning Board's final signature;
5. The applicant shall verify that review comments (including those forthcoming) from the following departments or boards have been satisfactorily addressed: Fire, Building, Police, & Conservation Commission;
6. The applicant shall verify that the following review comments from Public Works have been satisfactorily addressed:
  - a. On the typical section:
    - i. Bituminous Curb shall be labeled Miller Curb Form #1144;

- ii. Add a 12" layer of sand (304.1) under the road box gravel and detail as 'as directed by Town Engineer';
- iii. Given this is an industrial road, the pavement should be 2.5" base, 1.5" top.
- iv. Show waterline 5' outside of edge of pavement;
- b. Paved swales are not allowed - must be curbed with closed drainage or uncurbed to allow sheet flow open drainage;
- c. Is it the designer's intention to have the drainage (cb2, cb4) to be Town maintained? Would drainage easements be provided? Follow up comments will follow based on response;
- d. What is the purpose of the catch basins? Are they overflow structures? Would it be better to have headwalls with cross culverts?
- e. The subdivision regulations require monuments to be 4" x 4" x 4' concrete or granite - the 3/4" rebar will have to be replaced;
- f. A street sign conforming to Town and MUTCD standard must be installed at the intersection with Mast Road;
- g. A stop sign conforming to MUTCD must be installed prior to intersection with Mast Road;
- h. Add a note that all drainage pipe installed shall be video inspected in accordance with 603.3.7. Videos and reports shall be delivered to Merrimack Public Works Department Town Engineer. (Note: This will be included in the updated bond estimate form);
- i. An escrow paid by the developer for QA/acceptance soil testing will be required. Contractor may have QC tests performed at their expense as well;
- j. Public Works does not recognize Nyoplast structures;
- k. The water line should be located 5' outside of the edge of pavement;
- l. Underdrain detail should be shown along with a note stating 'shall be placed as directed by Town Engineer';
- m. The typical section calls for the road to be superelevated - should be normal crown for winter operations;
- n. The typical section is not wide enough for curbed sections - standard is 12' + 1'-3";
- o. Gas line should be located outside of paved surface;
- p. The culvert under street at station 1+10 has no pipe size, inverts, headwall, material, etc;
- q. Curve info should be provided for all horizontal alignment features (not shown for cul-de-sac or S W exit onto Mast Road;
- r. Type B frame and grate detail shows 4" and 8" frames - only 8" frames are allowed;

- s. Any CB's in the paved areas must have poly liners on them as detailed in NHDOT standard plans;
  - t. CB's, Frames, etc., must conform to NHDOT Standard specs/plans and Town of Merrimack Construction Standards;
7. The applicant shall satisfactorily address planning staff technical comments (below).

Planning Staff Technical Comments

- 1. As the construction of the proposed roadway includes more than 20,000 square feet of disturbance, the applicant shall add a note to the plan regarding necessary compliance with Chapter 412 Stormwater Management Standards adopted by the Town of Merrimack Town Council on July 21, 2011.
- 2. The applicant should clarify the proposed access easement indicated on the plans. Is this still applicable now that the "shared driveway" is to become a public road? Please explain and clarify;
- 3. The plans indicate stone bounds for monuments along "XTL Drive,;" however the notes indicate that rebar was set in February 2013. The plans shall be modified to indicate stone bounds along the proposed roadway, or the applicant will need to request a waiver to allow the rebar to remain. The final plans (for signature) shall indicate all monuments "set" or a letter from a Licensed Land Surveyor will need to be provided indicating all required monuments are set;
- 4. The plans shall be revised to include the professional endorsement (stamp/signature) of the Certified Wetland Scientist;
- 5. Final plans to include all owners' signatures;
- 6. The applicant shall coordinate with the Fire Department and Assessing Department regarding the proposed "XTL Drive" name for the proposed roadway, and make any modifications to the road name as necessary following approval from the Fire Department;
- 7. Because the waiver to Section 4.16(d) was withdrawn at the 8/6/13 public hearing, the applicant will submit appropriate drainage calculations for review by the Board's peer review consultant, at the applicant's expense;
- 8. The Applicant to satisfactorily address the following comments and/or amend the final plan to include the following minor revisions:
  - a. The applicant shall modify notes 7-10 on sheets S1 and T1 to reflect the date the waivers were granted by the Planning Board (February 5, 2013). Additionally, the applicant shall update the notes as necessary to add any additional waivers granted by the Board for this modification to the previous approval (noting the date the waiver[s] were granted);
  - b. Revise note 6 on sheets S1 and T1 replacing the word "PROTECTION" with "CONSERVATION";
  - c. Add the following note to sheet S1: "A complete set of plans is on file with the Town of Merrimack, Community Development Department.";

- d. Add the following note to sheet S1: "A Right-of-Way Permit from the Town of Merrimack, Department of Public Works is required prior to commencing any work within the right-of-way of Mast Road";
- e. The Licensed Land Surveyor shall confirm that the plans comply with registry standards (text size [see bar scale], text overlaps, etc.);
- f. The areas (in square footage) of the proposed slope and drainage easement and any applicable deed references for existing easements shall be labeled.

**5. Northview Homes & Development, Inc. (applicant) and Carl A. Quimby Revocable Trust & Larry Kittle (owners)** – Review for Acceptance of an application proposing to consolidate and re-subdivide three lots into thirteen lots, located at 164 Amherst Road, 8 Pollard Road, and an unnumbered parcel in the R-1 (Residential), and Aquifer Conservation Districts. Tax Map 4B, Lots 146, 146-1 and 152-1. The application also proposes a lot line adjustment between 166 Amherst Road (Tax Map 4B, Lot 145) and 164 Amherst Road (Tax Map 4B, Lot 146).

Robert Best returned to the Board.

Tim Thompson reminded the Board that a pre-submission hearing was held in March 2013, followed by a more detailed discussion in June 2013. The applicant seeks only acceptance and action on the requested waivers, but not final approval. If the design takes longer, the applicant is willing to waive the 65-day deadline under RSA 676:4.

Ken Clinton, Meridian Land Services, said that, on March 27, 2013, the ZBA granted variances to permit five lots in a proposed 13-lot subdivision to have less than the required 250' of road frontage. Sight distance complies with requirements. Four waivers are being sought for drainage and design purposes and to satisfy staff comments.

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 Lynn Christensen and seconded by Alastair Millns.**

Maximum Slope of Road - The pre-existing non-conforming road will be more compliant: to a maximum road grade of 9.6% for up to 750 linear feet, which is less than the Pollard Road grades of 13% for over 100' and 10.2% for over 900'.

Nelson Disco clarified that the waiver is only for streets and not for driveways. Tim Thompson reported that Legal Counsel says that the 1949 subdivision plan is still vested. Stanley Bonislawski said that the Board should approve because it supported the grade in June 2013, and since then the PWD and Fire Department have approved. Robert Best agreed. If a 10% slope is okay for a walker for the handicapped, then a 9% grade for a car is fine. Michael Redding said possible erosion during construction would be discussed at the time of final approval.

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

**The Board voted 7-0-0 to waive the requirements of Section 4.12(b) – Street Grades - Maximum Slope of Road – of the Subdivision Regulations – on a motion made by Alastair Millns and seconded by Lynn Christensen.**

Cul-de-sac Length - While the regulation identifies a maximum allowable length of 1200', the main road is 1298.7±' and the spur road has a dead end road length of 561.2±' (or 1461.2±' from Amherst Road). The effective dead end road length for the original Wildwood roads is approximately 1920±'.

Robert Best said that, if a waiver is granted, it should be for the configuration shown. Ken Clinton showed the hydrants' proposed locations. He will comply with the Fire Department's request that no building be farther than 1,250' from the hydrant. Alastair Millns said Fire Chief Manuele wrote that he wants hydrants at the main Pollard Road intersections, the ends of both cul-de-sacs and every 500' on Pollard Road and no more than 250' from a driveway.

Discussing how long the road should be, Robert Best said that length from Amherst Road to the spur is longer on the right than the left. To measure a certain way would be to interpret the Ordinance and make a policy decision. Tim Thompson said that Planning and Zoning Administrator Nancy Larson measures the cul-de-sac length from Amherst Road to the end of Pollard road without the spur or 1298', while he measures from the farthest point to the nearest road with multiple points of access, or 1461'. It is the Planning and Zoning Administrator's decision/authority. Lynn Christensen was not willing to accept a number. The Board rejected Nelson Disco's suggestion that the cul-de-sac be 1461'.

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

**The Board voted 7-0-0 to waive the requirements of Section 4.12(c) – Street Grades – Maximum Cul-de-Sac Length – of the Subdivision Regulations - subject to approval by the Fire Department and Public Works Department, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

Maximum Slope of Road Approaching an Intersection - The existing Pollard Road grade is approximately 5%; the proposal proposes a grade reduction to 2% for 50', decreasing the level of non-conformity and improving safety and drainage.

Robert Best noted that the water would run into ditches on the side instead of on the middle of Amherst Road.

Alastair Millns cited that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

**The Board voted 7-0-0 to waive the requirements of Section 4.12(d) – Street Grades – Maximum Slope of Road Approaching an Intersection – of the Subdivision Regulations – on a motion made by Alastair Millns and seconded by Nelson Disco.**

Maximum Grading of Side Slopes - Since it is expected that ledge will be encountered, the applicant designed 1:1 rather than 2:1 slopes in certain areas. Steeper slopes are needed to maintain stability during construction where there is ledge.



Tim Thompson said that PWD is comfortable with the grade only at the ledge cut and will make it a condition of approval. Ken Clinton said the ledge would be 8'± high, but it may be reduced.

Alastair Millns cited that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

**The Board voted 7-0-0 to waive the requirements of Section 4.18(b) – Right-of-Way Work – Maximum Grading of Side Slopes – to be limited only to edge cuts, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

Ken Clinton showed the location of the four drainage areas and explained the water path. On-site infiltration basins will absorb water. Overflow will go to a level spreader for slow release. A treatment swale will curve to extend the length, sending water to the basin, then to the town system and then to the Souhegan River. A catch basin will go to the swale. The overall drainage rate and the flow into the town system will be reduced. There will be a 50'-wide strip exchange to the front lot for a drainage easement where the lot line adjustment will be. Test pits are required. There will be less total and peak flow off site. Michael Redding was concerned about one level spreader on the larger lot with a steep slope going to a residential dwelling and a stream. He did not want the neighbors to have a different drainage pattern. Ken Clinton said a natural channel now directs water off the property. A level spreader would disperse the water more before it goes to the abutters, which is an improvement.

There was no public comment.

**At the applicant's request, the Board voted 7-0-0 to postpone this item to September 10, 2013, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Michael Redding.**

The Board took a five-minute break from 8:50-8:55 p.m.

### **3. Public Hearing for the adoption of the 2013 Master Plan**

Gordon Leedy, Managing Director Land Development/Certified Planner, Vanasse Hangen Brustlin, Inc., (VHB) said the plan took over three years to produce. The aim is to preserve the character of Merrimack and focus development on the D.W. Highway Corridor, where there are good infrastructure, support services, and access. He summarized the chapters and recommendations. The chapters/goals are: Land Use and Community Design, Economic Development, Natural Resources, Historic Resources, Utilities and Energy, Community Facilities, Transportation, and Plan Implementation.

Chairman Best will send thank-you letters to all participants. Gordon Leedy gave Nelson Disco the version that incorporates all changes since the June 2013 meeting. Nelson Disco suggested more to be added, such as an index and a list of references at the end of each chapter. Gordon Leedy will include them at the time of final formatting, but the current version is the substance of the plan. Tim Thompson added that those items could be made a condition of approval.

Chairman Best asked whether the Planning Board wants to be more definitive about meeting the needs of a 21<sup>st</sup> century library rather than just considering "possibilities for replacement of the current library facility" and whether there should be a strategy for where to place sidewalks and how to join them together. He recommended including

sidewalks in the Capital Improvement Plan. Lynn Christensen, Nelson Disco and Robert Best agreed with Stanley Bonislowski's suggestion that a subcommittee consisting of Nelson Disco, Robert Best and Alastair Millns receive input by a cut-off date rather than the Board reviewing each chapter in detail. Nelson Disco, Stanley Bonislowski, Lynn Christensen, and Alastair Millns expressed satisfaction with the document.

Tom Koenig raised the issue of exaction fees, how sidewalks are maintained and town policy. Chairman Best, who does not favor impact fees, said this is an opportunity to consider the possibility of fees rather than to adopt them. Gordon Leedy said that Amherst has not levied one in five years. Town Council has the authority to vote to collect impact fees. It is not a simple process. It is not a panacea, but it is smart for the town to have the option. For example, the town needs expensive improvements that may benefit from traffic exaction fees. There are many ways to increase its fairness. A project should not have to pay for the impact of what its predecessors did.

Alastair Millns noted that four developers have paid fees in lieu of building sidewalks. How that fund is handled could be a guideline for a similar exercise. Gordon Leedy said there are definitely a few corridors where sidewalks make sense. The town should develop a bicycle/pedestrian master plan. Tim Thompson said his vision of next steps is a detailed sidewalk/pedestrian plan followed by changes in the regulations.

Chairman Best said the Master Plan does not commit the town to a course of action on various topics, but leaves open the possibility for future action. The Board should make a commitment about the library, which is a critical part of the community. Tim Thompson noted that the library section states, "the library needs to stay relevant with the latest technologies. . ." Alastair Millns preferred to discuss "library resources" rather than "the library".

Tim Thompson said the subcommittee would wordsmith the document and return with a final document by a target date. Gordon Leedy does not have a date when maps, photos, etc., will be integrated and when the document will be formatted.

Nelson Disco noted that everything in the Master Plan costs money. Chairman Best stated that it raises property values and keeps the character of the community. There was no public comment.

Noting that no public attended this meeting, Chairman Best said the Planning Board wants the final version for adoption with no further public hearing.

**The Board voted 7-0-0 that the Planning Board conditionally adopt the Master Plan pending final resolution of minor changes and that the final formatted document be returned to the Board at a future meeting, on a motion made by Stanley Bonislowski and seconded by Lynn Christensen.**

Tim Thompson thanked VHB, Chairman Nelson Disco and all who served on the Master Plan Steering Committee for the last three years.

## **6. Discussion/possible action regarding other items of concern**

Alastair Millns received the Board's permission to invite Pete Gagnon to attend the August 20, 2013, discussion of Melton/YMCA as a member of the public, since he acted as the Planning Board Chairman during the 2006 project.

Stanley Bonislowski asked what CLD was taking photos of at the Library. Tim Thompson did not know but Alastair Millns said traffic lights there are due for replacement.

Michael Redding wanted the Board to consider steep slope regulations. There are viable sites with steep slopes and poor soils. Certain developers take advantage of the lack of good rules. Good regulations about higher engineering standards are needed, but they may result in less development. Chairman Best agreed to a general rather than a specific discussion about steep slopes. Nelson Disco asked whether Merrimack has maps to highlight them. Tim Thompson replied that he could not vouch for the accuracy of GIS information, which dates to aerial photography done in 2007. He cautioned that steep slope ordinances can be effective on a site plan, but not for a residential subdivision, which cannot get into the same details according to NH law. Chairman Best said the applicant must just show that the drainage will work and will not affect abutters. He asked whether there is more information the Board wants an applicant to provide for residential development. Alastair Millns asked what the Board could do, since it has no control. Tim Thompson said the Board could request certain public improvements in a residential subdivision, but it is impossible to enforce when a private lot transfers and someone builds on it. Chairman Best said drainage could be enforced for an entire subdivision, which Tim Thompson said is certainly within the Board's purview.

Alastair Millns brought up the abutter who has an unfinished road in front of his house. Chairman Best said he could sue the developer. Tim Thompson said an individual builder/landowner has final control. Chairman Best suggested discussing it at a future meeting. Nelson Disco asked Michael Redding to draft sample legislation, which he agreed to do, as he did for Laconia.

## **7. Approval of Minutes – July 9, 2013**

**The minutes of July 9, 2013, were approved, with changes, by a vote of 5-0-2, on a motion made by Lynn Christensen and seconded by Alastair Millns. Stanley Bonislowski and Nelson Disco abstained.**

**The minutes of August 3, 2013 (site walk), were approved with one change, by a vote of 4-0-3, on a motion made by Lynn Christensen and seconded by Michael Redding. Tom Koenig, Stanley Bonislowski and Nelson Disco abstained.**

## **8. Adjourn**

**The meeting adjourned at 9:55 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.**