



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MAY 7, 2013

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig (arrived 7:37 p.m.), Michael Redding, Stanley Bonislowski, Desirea Falt, and Alternate Nelson Disco.

Planning Board members absent: Lynn Christensen and Alternates Pete Gagnon and Matthew Passalacqua.

Community Development staff: Planning and Zoning Administrator Nancy Larson and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order and designated Nelson Disco to sit for Lynn Christensen.

2. Planning & Zoning Administrator's Report

The Planning Board voted 6-0-0 to express its appreciation to former Assistant Planner Jeff Morrisette for his years of excellent service to the Board, on a motion made by Alastair Millns and seconded by Desirea Falt.

3. College Bound Movers (applicant) and DW Development & Land Services, LLC(owner) – Review for consideration of Final Approval of a site plan application proposing the establishment of a commercial moving facility. The parcels are located at 723 & 725 Daniel Webster Highway and lie within the C-2 (General Commercial), Aquifer Conservation and Planned Unit Development Overlay Districts. Tax Map 7E, Lots 048-1 & 048-2. The applicant has requested postponement to the June 4, 2013 meeting.

At the applicant's request, the Board voted 6-0-0 to postpone this item to June 4, 2013, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Nelson Disco.

Tom Koenig arrived at 7:37 p.m.

4. Old Blood Properties, LLC. (applicant/owner) – Review for consideration of Final Approval of an application proposing a resubdivision of land resulting in the creation of one additional lot, located at Old Blood Road, in the R-1 (Residential) District. Tax Map 5B, Lots 003 & 003-1. This agenda item is postponed from the April 2, 2013 meeting.

At the applicant's request, the Board voted 6-0-1 to postpone this item to May 21, 2013, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Stanley Bonislowski.

5. Maverick Development Corporation (applicant) and James A. & Evelyn I. McSweeney Revocable Trust (owner) – Review for consideration of Final Approval of a minor subdivision application proposing to subdivide one lot into two residential lots located at 63 Turkey Hill Road in the R (Residential) & Aquifer Conservation Districts, and Wellhead Protection Area. Tax Map 5C, Lot 668. This agenda item is continued from the April 16, 2013 meeting.

Nancy Larson distributed the revised request for a sidewalk waiver.

Ken Clinton, Meridian Land Services, noted that, on April 16, 2013, the Board had postponed consideration of the application in order to give the applicant time to revise the request for a sidewalk waiver. He gave the following reasons why building a sidewalk would pose an unnecessary hardship:

1. Because the existing road is super-elevated, with sheet flow drainage for its full width conveyed to the northerly side of the road, a sidewalk would have to be at an even higher elevation than normal and its impervious surface drainage would add to the higher than normal drainage volume crossing the road;
2. The sidewalk would create a deeper ditch along its back side due to increased fill or would require the removal of a greater amount of trees if the side slope were extended, to the point where a portion of the existing stone wall may need to be impacted;
3. The existing water line, which is understood to run in the existing gravel shoulder, would be covered by the sidewalk, making future tie-ins, repairs or replacement far more costly to the Town;
4. Two utility poles and their associated guy wires would have to be relocated. Rates for relocation have increased, making this more expensive;
5. The easterly end of the sidewalk may be left at such an elevation and orientation that a wetlands permit may be necessary, 20' from its terminus, for any future extension.
6. Due to the minor nature of the subdivision and the substantial lack of potential future connectivity, as the neighboring lots are primarily developed, strict conformity would detract from the rural nature of the site.

Alastair Millns opposed a waiver, but suggested an alternative: That the applicant contribute funds in lieu of a sidewalk to pay for continuing the Meetinghouse Road sidewalk to Westin Estates with a suitable crossing for easy access to Westin Park to be linked to the driveway in back of the cemetery. Chairman Best said that would meet three of the five criteria in the Subdivision Regulations:

1. The sidewalk does not connect to potential pedestrian destinations such as parks or schools;
2. A partial improvement is not feasible due to the inability to achieve proper design standards;

3. Development on adjacent properties is likely or sidewalk improvements would be extended by the Town in the foreseeable future.

Ken Clinton agreed to the proposed alternative.

Although he liked the concept, Chairman Best wanted more information, such as whether the property has an appropriate easement. Ken Clinton needed to know whether there is enough open space. Chairman Best explained that the location does not have to be specified at this meeting. Westin Park is Town property.

The applicant withdrew the waiver request.

Nelson Disco complimented Alastair Millns for devising a reasonable compromise.

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

The Board voted 6-0-1 that the applicant contribute \$1500 in lieu of constructing a sidewalk along the applicant's frontage. Dedicated funds to be used towards construction of approximately 100 linear feet of sidewalk along Meetinghouse Road in the vicinity of the applicant's property, on a motion made by Alastair Millns and seconded by Michael Redding. Alastair Millns abstained.

There was no public comment.

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

1. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal final plans and mylars;
2. The applicant is responsible for recording the plan (including \$25.00 LCHIP fee, check 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. Satisfactorily address any forthcoming comments to be received from the Fire, Public Works and Building Departments;
4. The applicant shall revise the plan so as to provide a monument at the most northerly corner of Lot 668;
5. The applicant shall obtain all state permits required for the approval of the subdivision and construction of the replacement septic system for #63 Turkey Hill Road. Said approvals shall be listed on the final plan sheet;
6. To avoid creating a zoning violation, the applicant shall obtain Operational Approval status for the replacement leach field for Lot 688 from the State of New Hampshire Department of Environmental Services (NHDES);
7. The applicant shall demonstrate that proposed Lot 668-1 complies with the minimum area requirement (see Technical Comment #6) or modify the plan accordingly to satisfy this requirement. In keeping with the provisions of RSA 676:4(l)(i), the Planning Board Chairman or Secretary can require the applicant to

return to the Board if any such changes (if required) are deemed by them to require discretionary judgment or are not considered as minor or administrative in nature;

8. The applicant shall deposit \$1500 in lieu of constructing a sidewalk on the applicant's property to be used toward construction of approximately 100 linear feet of sidewalk along Meetinghouse Road in the vicinity of the applicant's property;
9. Address planning staff technical comments.

Planning Staff Technical Comments

1. The applicant shall update the plan to display the 25-Foot No Disturb Wetland Buffer line near the most easterly corner of proposed Lot 668-1. Wetland flag designations for the onsite wetland area, if available, to be added to the plan. The applicant shall note the size of the onsite wetland area and illustrate the 25-Foot No Disturb Wetland Buffer if applicable (3,000 contiguous SF or more);
2. After consultation with the Fire Department, provide final street numbering for both lots on the final plan;
3. Written confirmation to be provided by a Licensed Land Surveyor to the Community Development Department certifying that all monumentation has been set in accordance with the approved plan. Revising the final plan to indicate monuments as "set" would satisfy this requirement;
4. The applicant shall add the following note to the plan: *"Prior to issuance of any building permits for Map 5C, Lot 668-1, the applicant shall contact the Public Works and Community Development Departments to determine whether or not the project is subject to the Stormwater Management Standards (Chapter 412 of the Town Code)"*;
5. The plan shall be revised to list and fully describe the waiver granted by the Planning Board;
6. The applicant shall satisfactorily address the following comments and/or amend the final plan to include the following minor revisions:
 - i. The Licensed Land Surveyor shall confirm that the plans comply with registry standards (text size [see "typ." and test pit data], text overlaps [see setback label, "UG" in underground utility line], etc.;
 - ii. Confirm the label of the granite bond located 27' from the northwesterly corner of Lot 668; [is it a 4"x4" bound rising 8" above ground surface?];
 - iii. Clarify the plan by adding crows feet symbols (at a minimum) along Turkey Hill Road and by providing an arc length dimension (if available) between the two granite bounds located near utility pole PSNH 57;
 - iv. The contiguous upland area of Lot 668-1 to be added to the plan;
 - v. Show and note the dimension from the proposed leaching area on Lot 668 to the proposed side property line to confirm that it will comply with the town's minimum 20-foot setback requirement;

- vi. To improve plan clarity, Staff suggests revising Note 1 by removing the text after “improvements” and removing “-1” from the reference to Lot 5C/668-1 in the first line;
- vii. The applicant shall add approval numbers and corresponding expiration dates for the state permits referenced in Note #9.

6. Discussion/possible action regarding other items of concern

None.

7. Approval of Minutes – April 2, 2013

The minutes of April 2, 2013, were approved, with one change, by a vote of 5-0-2, on a motion made by Stanley Bonislowski and seconded by Michael Redding. Tom Koenig and Desirea Falt abstained.

8. Adjourn

The meeting adjourned at 8:07 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Stanley Bonislowski.