



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

**TUESDAY, JULY 10, 2012**

Planning Board members present: Robert Best, Alastair Millns, John Segedy, Tom Koenig, Nelson Disco, and Alternates Stanley Bonislowski and Pete Gagnon.

Planning Board members absent: Lynn Christensen and Michael Redding.

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 at 7:34 p.m. and designated Stanley Bonislowski and Pete Gagnon to sit for Lynn Christensen and Michael Redding respectively.

#### **2. Announcements**

Chairman Best announced the meetings of the Planning Board and Master Plan Steering Committee on July 24 and July 31, 2012, respectively.

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

Nancy Larson will look into Alastair Millns' query about whether Holts Pond/Landing is allowed to install individual septic systems rather than hook up to Town sewer.

- 4. Stephen T. Lyons (Applicant/Owner) & John E. & Elaine T. Lyons Revocable Trust, Stephen T. Lyons, Trustee (Applicant/Owner) –** Review for Acceptance and consideration for Final Approval of a proposed Lot Line Adjustment and Consolidation plan. The parcels are located at 12 & 14 Shore Drive in the R (Residential) Zoning District. Tax Map 6A-2, Lots 003, 004 & 006. **This agenda item is continued from the May 15, 2012 meeting. The Applicant has requested this agenda item be postponed to the August 7, 2012, meeting.**

**The Board voted 7-0-0 to continue this item to August 7, 2012, in the Town Hall Meeting Room, at 7:30 p.m., on a motion made by John Segedy and seconded by Nelson Disco. This shall serve as notice to abutters.**

- 5. Christopher Ross, LLC (Applicant/Owner) – Review for Acceptance and consideration of Final Approval of an application proposing a subdivision of one lot into two lots. The parcel is located within the C-1 (Limited Commercial), I-1 (Industrial), Aquifer Conservation and Elderly Overlay Districts. A portion of the parcel is subject to the Flood Hazard Conservation District. The property is located at 401 Daniel Webster Highway. Tax Map 4D-3, Lot 083. **The Applicant has requested this agenda item be postponed to the July 24, 2012, meeting.****

**The Board voted 7-0-0 to continue this item to July 24, 2012, in the Town Hall Meeting Room, at 7:30 p.m., on a motion made by John Segedy and seconded by Alastair Millns. This shall serve as notice to abutters.**

- 6. PSNH (Applicant/Owner) & Kalika, LLC (Owner) – Review for Acceptance and consideration of Final Approval of an application for a proposed Lot Line Adjustment. The parcels are located easterly of Star Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Portions of the parcels are subject to the Flood Hazard Conservation District. Tax Map 3D-1, Lots 004-1 & 005. **The Applicant has requested this agenda item be postponed to the July 24, 2012, meeting.****

**The Board voted 7-0-0 to continue this item to July 24, 2012, in the Town Hall Meeting Room, at 7:30 p.m., on a motion made by Pete Gagnon and seconded by Stanley Bonislawski. This shall serve as notice to abutters.**

- 7. Industrial Drive Performance Bond Release – Discussion/possible action regarding the release of a performance bond for the restoration of land for 19 acres off Industrial Drive, now a portion of Merrimack Premium Outlet Mall. Tax Map 3C, Lot 191-2.**

**The Board voted 7-0-0 to release the \$5,000 performance bond for the restoration of land for 19 acres off Industrial Drive on a motion made by Alastair Millns and seconded by John Segedy.**

**8. Discussion and possible action regarding other items of concern**

The Board discussed the June 28, 2012, letter from Merrimack Village District (MVD) Attorney Greg Michael, Bernstein Shur, asking for a rehearing of Condition #10 of the Board's June 5, 2012, final approval of a Dunkin Donuts restaurant at 80 Continental Boulevard. He said this condition denies MVD's recommendation that the applicant install two wells to monitor groundwater contamination. Attorney Michael listed what he termed five errors/misunderstandings in the Board's reasoning.

Chairman Best reported that Legal Counsel advises that reconsidering the condition is not appropriate, but the Board can consider Attorney Michael's letter as an "item of concern". Chairman Best stated that those issues just repeat what was presented when the Planning Board voted. Alastair Millns stated that the Board did not force the new owner to install

monitoring wells. He noted that Jeff Marts, MVD Consultant, Emery and Garrett Groundwater, Inc., said that most salt comes from State and local roads. State roads are MVD's biggest problem. Alastair Millns said that MVD should install the wells themselves. Pete Gagnon said the MVD wants wells to monitor that site, which is dangerous because it has very permeable soil and is 800' from the well. Realignment monitoring wells would make it easier to detect something. Because of the sensitivity of the site, he suggested that the Planning Board explore what action would be taken if something were found. If the rain gardens do not work, MVD would know that site is the source of increased salt concentration. Chairman Best said that MVD is properly concerned about what goes into wells. Since they own the adjacent property, they can install wells on their own property. Science cannot distinguish the source of the salt in the wells. The site has a no-salt/de-icing compound restriction and it is not likely that rain gardens will fail. This particular applicant should not be made to install monitoring wells. Stanley Bonislowski said the salt issue is important for everyone. Salt in wells has been increasing for 15 years and nothing was done about it. It is a knee jerk reaction to require no-salt use and installation of monitoring wells. That is not a solution. The whole picture and other solutions should be studied. Atrium will have the same issue. Chairman Best said MVD should implement a policy rather than make a requirement for one applicant.

No action about this request is necessary.

Chairman Best called for volunteers to sit on Town boards. The Town Council has begun interviewing and will act on July 19, 2012. If there are more applicants, Town Council will act on them in August 2012.

## **9. Approval of Minutes**

**The minutes of April 3, 2012, were approved, with changes, by a vote of 6-0-1, on a motion made by John Segedy and seconded by Nelson Disco. Pete Gagnon abstained.**

**The minutes of May 15, 2012, were approved, with changes, by a vote of 5-0-2, on a motion made by John Segedy and seconded by Alastair Millns. Nelson Disco and Pete Gagnon abstained.**

**The minutes of June 19, 2012, were approved, with changes, by a vote of 7-0-0, on a motion made by John Segedy and seconded by Alastair Millns.**

**The minutes of June 26, 2012, were approved, with changes, by a vote of 6-0-1, on a motion made by Alastair Millns and seconded by Nelson Disco. Pete Gagnon abstained.**

## **10. Adjourn**

**The meeting adjourned at 8:28 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by John Segedy.**