



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, NOVEMBER 5, 2019

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, November 5, 2019 in the Matthew Thornton Room.

Robert Best, Chairman presided.

Members Present:

- Alastair Millns (Vice Chairman)
- Paul McLaughlin
- Neil Anketell

Members Absent:

- Dan Ricker
- Nelson Disco
- Lynn Christensen
- Councilor Bill Boyd, Ex-Officio

Staff Present: Tim Thompson, Community Development Director

1. Call to Order: Chairman Best called the meeting to order at 7:00 p.m.

2. Planning & Zoning Administrator's Report

Tim Thompson advised the Board that the Community Development Secretaries have been recording the meeting minutes using the YouTube videos for the last several months and it has been working out well so the decision has been made not to replace the vacant the Recording Secretary position. Tim will be adjusting the budget to remove the Recording Secretary position and add a minimal amount of overtime allowance for his Secretaries in case it is needed.

3. Consideration of Adoption of the Route 3 Bicycle/Pedestrian Plan prepared by Nashua Regional Planning Commission

Tim Thompson began by summarizing that this plan is an update to the version presented several months ago and does not contain any feedback from the NH DOT because, despite several attempts to obtain feedback from them, the Town and NRPC have not received a response. He also explained that the Board can decide to adopt the plan as a general Board policy document or to hold a public hearing to adopt the plan as an amendment to the Town's 2013 Master Plan.

The Board discussed that the most logical course of action would be to vote it in as an amendment to the 2013 Master Plan because that would give the absent Board members another opportunity to offer their opinions on it.

Chairman Best opened the floor for public comment.

Ben Niles, 11 Fernwood Drive, expressed that he believes a bike path on Route 3 without widening the road would be a disaster because of the heavy traffic. He believes it would put cyclists at risk and create liability for motorists. Mr. Niles also made the suggestion that with all of the new development in town, a new traffic study should be conducted because the bike path/pedestrian proposal was developed using a traffic study that is now more than ten years old.

Steven Garczynski, 19 Lesa Drive, voiced his concerns that he believes bike paths are dangerous because they are too narrow and take away the shoulder of the road which is used for vehicles to pull over as needed. Mr. Garczynski also feels that a sidewalk is an added cost for maintenance (specifically referencing snow removal) and that the safest way for cyclists to use DW Highway would be to widen the shoulder with no curbs.

Chairman Best suggested that the best course of action would be to add the proposal to an upcoming meeting to be voted on as an amendment to the Town's Master Plan. After discussing the options with Tim Thompson, they decided that the December 3rd meeting would be best.

Alastair Millns addressed the resident comments by encouraging everyone to read the report in full before the next meeting. He made several points including that the plan does call for the shoulder to be widened (which will reduce the car lanes) and that numerous traffic studies have been done for the various projects on DW Highway so the data is recent. Tim Thompson also added that this is just a planning document and allows for the Board and Town Council to have policy guidance toward making improvements over the next several years (noting that any financial decisions would have to be made by the Town Council).

The consensus of the Board was to hold a public hearing for adoption of the plan as an amendment to the 2013 Master Plan on December 3, 2019.

4. Workshop Discussion – Various potential Zoning Ordinance amendments (Definitions, Non-Conforming lots, Signs, Telecommunication Towers)

Tim Thompson advised the Board that staff has some recommended changes to the current Zoning Ordinance. Amendments to Sections 1, 2, 3, 4 and 17 are being proposed and the majority of the proposed changes are to clarify/clean up outdated ordinance language, however the changes to the telecommunications section also incorporate updates that have been made to State and Federal law. The most substantial change being recommended for the telecommunications tower regulations is how they are dealt with in residential and commercial districts. The current regulations require a Special Exception be granted for residential and commercial districts by the Zoning Board; however staff is recommending that the process be changed to require a Conditional Use Permit (CUP) which would shift the responsibility to the Planning Board. Tim also outlined the next steps in proceeding with the adoption of the proposed amendments which include a workshop to walk through the changes by section, followed by a public hearing and finally a recommendation to the Town Council. From there the Council has 3 readings and a public hearing before making any final decisions.

Chairman Best commented that he would like to wait to have more Board members present before taking action on this agenda item. He also stated that he is in agreement with the proposal to change the Special Exception to a CUP for telecommunication towers. Tim Thompson explained that the key factor in

making that recommendation is the tight deadlines that the FCC and federal courts have enacted on decisions concerning the telecommunication towers.

Tim Thompson requested that the Board hold the workshop discussion at the December 17th meeting so that he could be in attendance as he is the most familiar with the telecommunication tower amendments. He also requested that the Board email a member of staff if they have any questions about the recommended changes prior to the workshop meeting.

Chairman Best opened the floor for public comment.

Charles Lafond, 7 Linden Way, made a recommendation that the Town have minimum technology requirements (such as requiring equipment to be the most modern regarding 4G, 5G, etc.) on any new telecommunication towers that are erected in town. Tim Thompson explained that the only power local government has on telecommunication towers is siting and location, municipalities cannot make restrictions based on type of service.

Tim reminded everyone in attendance that there will be several more opportunities to raise questions and concerns on the recommended changes to the Zoning Ordinance and Chairman Best added a reminder that there are only a few things that the Town has a say in when it comes to telecommunication towers, as they are federally controlled.

5. Discussion/possible action regarding other items of concern

- **Bond release for sewer connection, Phase II of Greenfield Farms XIV Subdivision**

The Board discussed a memo prepared by DPW Deputy Director/Town Engineer Dawn Tuomala requesting the release of a sewer bond (in the amount of \$64,811.15) for Brenda Lane, Blaire Road and Whispering Pines Lane. DPW is recommending the release of the bond because the improvements noted in the approved site plan have been completed.

The Board voted 4-0-0 to release the remaining \$64,811.15 sewer bond on a motion made by Alastair Millns and seconded by Paul McLaughlin.

6. Approval of Minutes — October 15, 2019

The minutes of October 15, 2019, were approved as submitted, by a vote of 3-0-1, on a motion made by Alastair Millns and seconded by Neil Anketell. Neil Anketell abstained.

7. Adjourn

The meeting was adjourned at 7:42 p.m., by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Paul McLaughlin.