



# Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD APPROVED MINUTES

**TUESDAY, September 4, 2018**

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Dan Ricker and Neil Anketell.

Planning Board members absent: Michael Redding, Lynn Christensen, and Alternate Nelson Disco.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

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

Robert Best called the meeting to order at 7:01 p.m.

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

**The Board voted 5-0-0 to determine that Hilton Trust Subdivision and Mark Rivet lot line adjustment and site plan are not of regional impact, on a motion made by Alastair Millns and seconded by Neil Anketell.**

- 3. Peter Olivier and Sherri Olivier (applicants) and Siam04 Realty (owner) —** Continued Review for acceptance and consideration of a waiver of full site plan review to permit employee parking for an off-site landscaping business as well as employee and tractor trailer parking for an off-site moving business, both of which are in addition to the existing on-site restaurant use. The parcel is located at 75 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2B, Lot 028. **This item is continued from the June 19, 2018 and July 17, 2018 meetings.**

The applicant seeks a continuance to allow additional time to address comments from municipal departments.

At the Planning Board's request, staff will ask the Fire Marshall for information about whether there were any issues extinguishing the recent fire at this site.

**At the applicant's request, the Board voted 5-0-0 to continue this item to October 2, 2018, at 7:00 p.m., in the Matthew Thornton Room, on a motion made by Alastair Millns and seconded by Tom Koenig.**

- 4. Bernstein, Shur, Sawyer & Nelson, P.A. and Meridian Land Services, Inc. (applicants) and The Hilton Trusts (owners) —** Review for acceptance and consideration of final approval for a three lot minor subdivision. The parcel is

located at an unnumbered parcel on Continental Boulevard in the R-1 (Residential) District. Tax Map 2B, Lot 293-014.

Tim Thompson said a shared driveway to Continental Boulevard that would be contained within an access and utility easement has been proposed. This portion of Continental Boulevard is under State of New Hampshire jurisdiction, so an NHDOT Driveway Permit is required for the proposed shared driveway. (See Condition #2) It is staff's opinion that until such time as the Town adopts a sidewalk plan, as required by NHDOT, no new sidewalks are permitted along their rights-of-way and that a sidewalk waiver is not necessary.

Attorney Greg Michael, Bernstein, Shur, Sawyer & Nelson, said the original lot was bisected by Continental Boulevard when it was constructed. The Hilton Trust proposes a three-lot subdivision. A minor boundary line issue with Pennichuck was successfully worked out. The Trust agreed to add a covenants regarding a conservation easement. The land is zoned residential. There would be one entrance with good sight distance, one road cut, private wells and septic systems are proposed.

Tim Thompson said that Police Department comments about ingress and egress from Continental Boulevard are not recommended to be made part of the conditions of approval because a shared driveway with one access would be as safe as is possible to design for this subdivision.

Ken Clinton, Meridian Land Services, Inc., said a private driveway from Continental Boulevard would be 250' long. Three homeowners would share the maintenance through a covenant. A utility easement would run with the land.

Alastair Millns said that the Police Department is concerned that, "although the speed limit is 40 miles per hour, the average speeds in this area are in excess of 50 miles per hour". Ken Clinton agreed. This would be the first curb cut on the Continental Boulevard and will be a surprise to drivers. Attorney Michael countered that it works well for other businesses and homes on that road.

Ken Clinton said that the Trust acquired a 1992 NHDOT plan where one point of access on the south side of Continental Blvd was granted to the Trust from their lot. Therefore the applicant is following the DOT's 1992 directive.

Ken Clinton said it would be easy to address staff conditions. There would be individual wells, which is proper and safe. There is water on the opposite side of the road, so a note on the plan will say that a future developer could also pursue Merrimack Village District (MVD) water.

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 5-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Dan Ricker.**

There was no public comment.

Tim Thompson said Continental Boulevard is not designed to accommodate sidewalks. This would be the only development from this site to Route 101A on the south side of the road. There is a 150' right-of-way that could be used if a sidewalk were necessary in the future.

It was the consensus of the Planning Board that a sidewalk waiver is not necessary.

It was the consensus of the Planning Board that the Police Department comments be removed from the conditions of approval.

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 5-0-0 to grant conditional final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Tom Koenig.**

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, NHDOT Driveway, 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 Fire Department, as applicable;
7. The applicant shall address the following comments from the Department of Public Works:
  - a. This section of the Continental Boulevard is under the State of New Hampshire Department of Transportation Jurisdiction and Review. Driveway permit shall be obtained from NHDOT. Note 13 states that the permit is pending.
8. The applicant shall address the following Planning Staff Technical Comments:
  - a. The signature block should have lines for "Chair" and "Vice Chair" as per the Board's current structure the position of Secretary was renamed Vice Chair in June 2017;

- b. The applicant shall correct Note 5 on Sheet 1, as this lot is zoned R-1 by soils (not by map);
- c. Applicant shall add the following to Note 10 to the plan: “A pre-construction meeting with the Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of earth disturbance”;

**The following general and subsequent conditions are also placed on the approval:**

- 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 address any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable;
  - 4. The applicant shall address any forthcoming comments from the Fire Department, as related to building addressing and fire code compliance as applicable.
- 4. Mark Rivet (applicant/owner)** — Review for acceptance and consideration of final approval for a lot line adjustment. The parcels are located at 425 Daniel Webster Highway, 2 & 4 Railroad Avenue and an unnumbered parcel off Railroad Avenue in the C-2 (General Commercial) and Aquifer Conservation, Flood Hazard Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lots 077, 078, 079 & 080.

The applicant requests a continuance to October 2, 2018, in order to allow time to request zoning relief.

**At the applicant's request, the Board voted 5-0-0 to continue this item to October 2, 2018, a 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Neil Anketell.**

- 6. Mark Rivet (applicant/owner)** — Review for acceptance and consideration of a site plan for the construction of a 1,890 s.f. garage and function room addition and associated site improvements. The parcels are located at 425 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation, Flood Hazard Conservation, Elderly and Town Center Overlay Districts. Tax Map 5D-4, Lots 077 & 078.

The applicant requests a continuance to October 2, 2018, in order to allow time to request zoning relief.

**At the applicant's request, the Board voted 5-0-0 to continue this item to October 2, 2018, a 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Neil Anketell.**

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

Tim Thompson explained that it is not efficient for staff to accommodate individual Board members' requests about how to receive electronic materials for meetings. The Planning Board accepted his recommendation that all members receive memos and backup materials electronically and plans on paper.

Alastair Millns reported on an August 23, 2018, DOT meeting concerning proposed improvements on Route 101A in Merrimack. At a cost of \$4.1 million, a third lane would be added eastbound from Craftsman Lane to Pennichuck Square, a sidewalk added along the additional lane, the sidewalk on the other side would be finished, the junction at Craftsman Lane and Boston Post Road would be reworked to 90°, and pedestrian-controlled traffic lights added at the Continental Boulevard and Dunkin Donuts/Home Depot junctions. There will be another meeting in September or October. Tim Thompson announced an October 3, 2018, public hearing about the environmental impact of widening the Everett Turnpike.

#### **8. Approval of Minutes — August 21, 2018**

**The minutes of August 21, 2018, were approved as distributed, by a vote of 4-0-1, on a motion made by Alastair Millns and seconded by Dan Ricker. Neil Anketell abstained.**

#### **9. Adjourn**

**The meeting was adjourned at 7:34 p.m., by a vote of 5-0-0, on a motion made by Alastair Millns and seconded by Neil Anketell.**