



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to the requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: October 25, 2019 Date of Meeting: November 21, 2019
Submitted by: Dawn Tuomala Time Required: 10 Minutes
Department: Public Works Background Info. Supplied: Yes No
Speakers: Dawn Tuomala

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Road Acceptance of Barbie Court

DESCRIPTION OF ITEM

At the Planning Board meeting on October 15, 2019, per Subdivision Regulations Section 5.01.1(f) the Planning Board has recommended the two year maintenance bond and recommended acceptance of Barbie Court by the Town Council. Acceptance of the road is conditioned upon the two year maintenance bond in the amount of \$50,066.78 and the drainage solution constructed along the Cross County Sewer Line remain satisfactory.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:
Charter Article:	Town Meeting:
Other:	N/A:

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

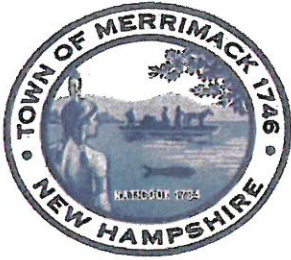
Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input checked="" type="checkbox"/>

CONTACT INFORMATION

Name:	Dawn Tuomala	Address:	Public Works Admin.
Phone Number:	424-5137	Email Address:	dtuomala@merrimacknh.gov

APPROVAL

Town Manager: Yes <input type="checkbox"/> No <input type="checkbox"/>	Chair/Vice Chair: Yes <input type="checkbox"/> No <input type="checkbox"/>
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Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK PLANNING BOARD

TUESDAY, OCTOBER 15, 2019

Planning Board members present: Robert Best, Alastair Millns, Alternate Ex-Officio Tom Koenig, and Alternate Nelson Disco

Planning Board members absent: Neil Anketell, Paul McLaughlin, Lynn Christensen and Dan Ricker

Staff present: Community Development Director Tim Thompson and Assistant Planner Casey Wolfe.

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m.

2. Planning & Zoning Administrator's Report

Discussion only.

- 3. Crosswoods Path III, LLC (applicant) and DW Development, LLC (owner) – Review for consideration of an amendment to a previously approved Planned Unit Development. The parcel is located at 747 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation, and Planned Residential Development Overlay Districts. Tax Map 7E, Lot 046-54. Case # PB2019-30.**

Applicant was represented by: Brad Westgate, Winer & Bennet and Chris Bova, Applicant.

There was no public comment.

The Board voted 4-0-0 to grant conditional final approval, on a motion made by Alastair Millns and seconded by Nelson Disco.

- 4. Crosswoods Path III, LLC (applicant) and DW Development, LLC (owner) – Continued review for acceptance and consideration of final approval for a site plan to construct 21 multi-family residential and 3 office units. The parcel is located at 747 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation, and Planned Residential Development Overlay Districts. Tax Map 7E, Lot 046-54. Case # PB2019-23. This item is continued from the July 16, August 20, and September 17, 2019 Planning Board meetings.**

Applicant was represented by: Richard Maynard, Maynard/Paquette Engineering and Chris Bova, Applicant.

The Board voted 4-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Nelson Disco.

Public comment was received from: Linda Felderson, 27 Kearsarge Lane.

The Board voted 4-0-0 to continue the public hearing to December 17, 2019, on a motion made by Alastair Millns and seconded by Nelson Disco.

5. Discussion/possible action regarding other items of concern

- **Road Acceptance/Maintenance Bond Recommendation to Town Council – Barbie Court**

The Board voted 3-0-1 to recommend acceptance of Barbie Court to the Town Council and to establish a 2-year maintenance bond of \$50,066.78, on a motion made by Alastair Millns and seconded by Nelson Disco. Tom Koenig abstained.

6. Approval of Minutes – October 1, 2019

The minutes of October 1, 2019, were approved as submitted, by a vote of 3-0-1, on a motion made by Alastair Millns and seconded by Nelson Disco. Tom Koenig abstained.

7. Adjourn

The meeting was adjourned at 8:36 p.m., by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: October 14, 2019
AT (OFFICE): Department of Public Works

FROM: Dawn B. Tuomala, PE, LLS, CWS
Deputy Director/Town Engineer

SUBJECT: **Road Acceptance/Maintenance Bond Request
Barbie Court**

TO: Timothy Thompson,
Community Development Director

A final inspection of Barbie Court, part of the North View Homes & Development on Lands of David R. & Dorothy E. Cota, was performed by the Public Works Department. Road and Drainage As-Built Plans were received on October 7, 2019. The right of way improvements are found to be in substantial accordance with the requirements of the Town of Merrimack. Barbie Court is a 250 LF roadway off of Pearson Road, ending in a cul-de-sac.

Along the cross country Sewer Easement there has been an erosion issue coming from behind the stone retaining wall that was built on the Cota property (not as part of this project). Presently, the issue appears to have been resolved. However, if within the next 2 years, this becomes an issue again then Stage Crossing, LLC will be held responsible for making all of the necessary corrections and repairs.

The Department recommends that the Irrevocable Standby Letter of Credit in the amount of \$50,066.78, which is 10% of the original projected bond amount for the project, remain in place for another 2 years after the Town Council has voted to accept Barbie Court. The Letter of Credit will be considered a Maintenance Bond at that point.

The Department additionally recommends that the Planning Board recommend acceptance of Barbie Court by Town Council in accordance with Section 5.01.1 f of the Subdivision Regulations, with an additional condition that the road be maintained curb to curb prior to the Town accepting the road so that Public Works will not have to remove unplowed snow from the roadway.

Should you have any questions please let me know,

Dawn

EC: Kyle Fox, DPW Director
Robert Price, Planning and Zoning Administrator
Xenia Simpson, Bond Manager
Casey Wolfe, Assistant Planner
Lori Barrett, Operations Manager
Robert Lamontange, North View Homes, Inc.
File



Letter of Credit No. : STAGE-0317-P
Amended Irrevocable Standby Letter of Credit
Date and Place of Expiry: March 1, 2021
Merrimack County Savings Bank
89 North Main Street
Concord, NH 03301

March 7, 2019

Planning Board
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054

Account Party
Stage Crossing, LLC
Robert S. LaMontagne, Manager

Amount
\$50,066.78 USD

Beneficiary
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054

Project Name
Barbie Court/Cota Subdivision
Merrimack, NH

Dear Town of Merrimack:

At the request of Stage Crossing, LLC ("Applicant") Merrimack County Savings Bank hereby issues this amended Standby Letter of Credit in favor of the Town of Merrimack, NH ("Beneficiary") with our irrevocable obligation to honor any and all documentary demands for payments and drafts, drawn upon this bank and signed by at least three members of the Merrimack Town Council in any amount not to exceed US\$50,066.78 (Fifty Thousand Sixty-Six Dollars and Seventy-Eight Cents) provided that each draft to be accompanied by a documentary demand for payment containing a statement as follows:

All draft(s) must be accompanied by your written statement purportedly signed by an authorized official(s) of the Beneficiary reading as follows: "We the undersigned Town Council Members do hereby certify that Stage Crossing, LLC of 317 South River Road, Bedford, NH 03110, has failed to complete the construction of roadways and other improvements as specified by the Town of Merrimack as indicated on the approved

Town of Merrimack, NH
March 7, 2019
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Subdivision Plan (signed by the Merrimack Planning Board on May 12, 2014), said Plan recorded in the Hillsborough County Registry of Deeds as Plan Number 38068, and the approved Sewer Easement Plan (signed by the Merrimack Planning Board on June 24, 2016), said Plan recorded in the Hillsborough County Registry of Deeds as Plan Number 38954. Project name: Barbie Court/Cota Subdivision.”

Partial drawings, and multiple presentations, are permitted, to the extent that the aggregate amount honored hereunder cannot exceed the Amount of the Standby Letter of Credit.

We hereby undertake and guaranty that all requests for payments made in compliance with this Standby Letter of Credit shall be paid upon presentment to Merrimack County Savings Bank, 190 North Main Street, Concord, NH 03301.


Except so far as otherwise expressly stated herein, this Standby Letter of Credit is subject to the “International Standby Practices (ISP 98), International Chamber of Commerce Publication 590.”

Merrimack County Savings Bank

By: 
Thomas R. Dustin, Vice President
Duly Authorized

I have read this Letter of Credit and agree to its terms:

Stage Crossing, LLC

By: 
Robert S. LaMontagne, Manager
Duly Authorized

Return to:
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054

WARRANTY DEED

Stage Crossing, LLC, a New Hampshire limited liability company, with an address of 317 South River Road, Town of Bedford, County of Hillsborough, and State of New Hampshire 03110 ("Grantor") for consideration paid, hereby grant, sell, and convey to Town of Merrimack, a municipal political body, with a principal place of business at 6 Baboosic Lake Road, Town of Merrimack, County of Hillsborough and the State of New Hampshire 03054, pursuant to the authority contained in NHRSA 41:14-a, by its duly authorized and elected undersigned Board of Selectmen ("Grantee") with WARRANTY COVENANTS, the following:

A certain roadway being shown as "Barbie Court" as shown on a certain plan entitled "Cluster Subdivision Plan Prepared for: North View Homes & Development, Inc., Lands of: David R. & Dorothy E. Cota and Raymond A. Cota, Tax Map 6D, Lots 46, 47, 47-2, 47-3 & 47-4, Merrimack, New Hampshire" prepared by Meridian Land Services, Inc., Scale: 1" = 100', dated October 22, 2013, last revised April 4, 2014 and recorded in the Hillsborough County Registry of Deeds as Plan No. 38068 (hereinafter referred to as the "Plan"). Reference is made to said Plan for a more accurate and detailed description.

TOGETHER WITH the perpetual, non-exclusive right and easement to extend and maintain such slopes and embankments beyond the limits of said Roadway as may be necessary for flowage, drainage and erosion in accordance with the standards adopted by the Town of Merrimack.

The premises granted herein shall be used as a public right of way with the right to use said Roadway for all purposes for which streets and drives are commonly used in the Town of Merrimack. As such, the Grantor shall have the right to use the Roadway in the same manner and for the same purposes that the public would commonly use such roadway.

The Grantee agrees by its acceptance of this conveyance, that it shall be responsible for all required maintenance and repairs of the Roadway and that such maintenance and repair shall be conducted in a manner so as not to unreasonably interfere with the Grantor's and Grantor's successors and assigns use of any property abutting the Roadway.

For title reference, see Book 8832, Page 2619 recorded at the Hillsborough County Registry of Deeds.

This is not homestead property.

Dated this 5th day of August, 2019.

STAGE CROSSING, LLC

By: [Signature]
Name: Robert LaMontagne
Title: Manager

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

This instrument was acknowledged before me on August 5, 2019 by Robert LaMontagne, the duly authorized Manager of Stage Crossing, LLC.

[Signature]
Justice of the Peace/Notary Public
My Commission Expires 6/24/20

