



# 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 requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

## MEETING INFORMATION

Date Submitted: December 28, 2022  
Submitted by: Chestnut Hill Properties, LLC  
Department:

Date of Meeting: January 12, 2023

Speakers: John Tenhave

Time Required: 20 minutes

Background Info. Supplied: Yes:  No:

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

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
<b>Public Hearing:</b>	<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

Acceptance of Town Roads, for Phase I of the Chestnut Hill Properties, LLC - Section of Madeline Bennett Lane & Captain Bannon Circle

## DESCRIPTION OF ITEM

The Town Council to consider the acceptance of a section of Captain Bannon Circle between Old Blood Road and the intersection of Madeline Bennett Lane from the intersection to the Middle School Driveway. Also to accept all associated slope and drainage easements within Phase I.

## 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 type="checkbox"/>

## CONTACT INFORMATION

Name:	<u>John Tenhave</u>	Address	_____
Phone Number	_____	Email Address	<u>john@northviewhomes.com</u>

## APPROVAL



## TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

**DATE:** December 28, 2022

**AT (OFFICE):** Department of Public Works

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

**THRU:** Kyle Fox, Public Works Director

**TO:** Paul Micali, Town Manager

**SUBJECT:** **Acceptance for Roads, Drainage and Slope Easements  
Chestnut Hill Phase I Road  
Section of Captain Bannon (800 LF) and Madeline Bennett (2,100 LF)**

### PHASE I

A final inspection of Phase I road upgrades as part of the Chestnut Hill Properties, LLC Subdivision, was performed by the Public Works Department. Road and Drainage As-Built Plans dated October 14, 2022 were reviewed. The right of way improvements are found to be in substantial accordance with the requirements of the Town of Merrimack. Roads to be accepted are as follows:

Captain Bannon is a 800 LF roadway from Old Blood Road to the intersection of Madeline Bennett Lane

Madeline Bennett Lane is a 2,100 LF roadway from the intersection of Captain Bannon down to the intersection with the middle school driveway

At their meeting on December 20, 2022, the Planning Board recommended acceptance of Phase I roadway and drainage improvements of the Chestnut Hill Properties Subdivision to the Town Council in accordance with Section 5.01.1 f of the Subdivision Regulations (see attached minutes).

Public Works Administration recommends that the existing Performance bond be released and a Maintenance Bond in the amount of \$248,763.15, which is 10% of the original Phase I projected bond amount for the project, be put in place for another 2 years.

The deeds will be reviewed by the Town Attorney prior to the meeting. It is also recommended that the Town Council Authorize the Town Manager to sign the attached deeds. The Owner will then be required to take the deeds and plan to the Hillsborough County Registry of Deeds for recording. The owner is then to provide Public Works with the recording information.

Should you have any questions please let me know,

Dawn

EC: Kyle Fox, DPW Director  
Kelly Valluzzi, Purchasing Agent/Accountant  
Thomas Boland, Finance Director  
Robert Price, Planning and Zoning Administrator  
Lori Barrett, Operations Manager  
John Tenhave, Owner/Contractor  
File



# 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](http://www.merrimacknh.gov)

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## **MERRIMACK PLANNING BOARD DRAFT MINUTES TUESDAY DECEMBER 20, 2022**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, December 20, 2022 in the Matthew Thornton Room.

### **Members Present:**

- Paul McLaughlin (Vice Chair)
- Brian Dano
- Maureen Tracey – Alternate
- Nelson Disco - Alternate
- Town Councilor Barbara Healey - Ex-Officio

### **Members Absent:**

- Robert Best (Chair)
- Lynn Christensen
- Jaimie von Schoen
- Neil Anketell

Staff Present: Robert Price, Planning & Zoning Administrator, and Colleen Olsen, Assistant Planner

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

Vice Chair Paul McLaughlin called the meeting to order at 6:30 p.m. and led everyone in the Pledge of Allegiance. He then seated Alternates Nelson Disco & Maureen Tracey for Robert Best & Lynn Christensen.

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

Mr. Price introduced Coleen Olsen, the new Assistant Planner, and explained that she will be attending the next several meetings with him as she gets acclimated to her new role.

### **3. Consent Agenda**

- Regional Impact Determinations*
- Extension Request: L&W Supply Site Plan*
- Level Acres: Phase 2 & 3 Roadway/Infrastructure Bond Reduction Request*
- Chestnut Hill: Phase I Roadway Acceptance Recommendation & Roadway/Infrastructure Bond Estimates & Reduction Requests (Phases I, II, & III)*

1 Nelson Disco asked if the Madeline Bennett Lane sewer issue was addressed and Mr. Price  
2 confirmed that it was.

3  
4 The Board voted 5-0-0 to approve the consent agenda, on a motion made by Brian Dano  
5 and seconded by Barbara Healey.

- 6  
7 **4. Black Diamond Holdings, LLC (applicant) and MM Realty Trust (owner) –** Continued review  
8 for final approval of a site plan for the redevelopment of an existing automotive/junkyard use  
9 into a 102,600 square foot warehouse and associated site improvements. The parcel is located at  
10 734 DW Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map  
11 7E, Lot 31. Case # PB2022-36. *This item is continued from the October 18, and November 15,*  
12 *2022 Planning Board Meetings.*

13  
14 At the applicant's request, the Board voted 5-0-0 to continue the hearing to January 17,  
15 2022 at 6:30 p.m. in the Matthew Thornton Room, with no further written notice to  
16 abutters, on a motion made by Nelson Disco and seconded by Maureen Tracey.

- 17  
18 **5. John J. Flatley Company (applicant/owner) -** Continued Review for consideration of an  
19 amendment to a previously approved Mixed Use Development Conditional Use Permit, calling for  
20 the replacement of the previously proposed 20,000 square foot planned retail space with a  
21 52,000 square foot self-storage facility. The parcels are located at 645, 673, 685, 703, and 707  
22 DW Highway and 5 Gilbert Drive in the I-1 (Industrial), Aquifer Conservation and Wellhead  
23 Protection Districts. Tax Map 6E, Lots 3-1, 3-3, 3-4, 3-5, 3-6, and 3-7. Case # PB2022-38. *This item*  
24 *is continued from the October 18, and November 15, 2022 Planning Board Meetings.*

25  
26 At the applicant's request, the Board voted 5-0-0 to continue the hearing to January 3, 2022  
27 at 6:30 p.m. in the Matthew Thornton Room, with no further written notice to abutters, on  
28 a motion made by Nelson Disco and seconded by Barbara Healey.

- 29  
30 **6. Starten Realty, LLC (applicant/owner) –** Continued review for acceptance and consideration  
31 of final approval for a site plan for the addition of a gas station, convenience store and drive-thru  
32 coffee shop at the site of an existing car wash. The parcel is located at 376 DW Highway in the C-  
33 2 (General Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map  
34 4D-3, Lot 002. Case #PB2022-40. *This item is continued from the October 18, 2022 Planning*  
35 *Board Meeting.*

36  
37 At the applicant's request, the Board voted 5-0-0 to continue the hearing to January 17,  
38 2022 at 6:30 p.m. in the Matthew Thornton Room, with no further written notice to  
39 abutters, on a motion made by Nelson Disco and seconded by Brian Dano.

40  
41 *At the applicant's request, the Board opened and discussed both items 7 & 8 concurrently.*

- 42  
43 **7. LMG Merrimack, LLC (applicant) and Pennichuck Corporation and LMG Merrimack, LLC**  
44 **(owners) –** Continued review for acceptance and consideration of final approval for a lot line  
45 adjustment. The parcels are located south of Harris Pond Drive on Daniel Webster Highway in  
46 the I-1 (Industrial), and Aquifer Conservation Districts. Tax Map 1D, Lots 1 and 1-6. Case #  
47 PB2022-44. *This item is continued from the December 6, 2022 Planning Board Meeting.*

- 48  
49 **8. LMG Merrimack, LLC (applicant/owner) –** Continued review for acceptance and consideration  
50 of final approval for a site plan to construct a 100,115 square foot warehouse building. The parcel



