



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

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, JANUARY 6, 2015

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Lynn Christensen, Desirea Falt, and Alternate Nelson Disco.

Staff present: Planning and Zoning Administrator Jillian Harris.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Nelson Disco to sit for the vacant seat.

Michael Redding arrived at 7:31 p.m.

2. Planning & Zoning Administrator's Report

- Old Blood Regional Impact Determination.

Planning and Zoning Administrator Jillian Harris stated that the project will be on the January 20, 2015 Planning Board Agenda and proposes to consolidate and re-subdivide 10 lots into 72 cluster residential lots and four open space lots located on Old Blood Road in the R-1 (Residential) District. She stated that staff recommends that the Board determine that the project is not of Regional Impact, as it does not meet the criteria discussed by the Board at the December 2, 2014 meeting.

Desirea Falt and Tom Koenig arrived at 7:32 p.m.

The Board voted 7-0-0 to determine that the project is not of Regional Impact on a motion made by Alastair Millns and seconded by Lynn Christensen.

- #### 3. Keach-Nordstrom Associates, Inc. (applicant) and Valleyview Revocable Trust, Carol Maggio, Trustee (owner) – Discussion and possible action regarding a request for a reinstatement of conditional final approval and a six month extension for compliance with conditions of an approval granted by the Planning Board on July 23, 2013 and July 8, 2014 to subdivide one lot into two single-family residential lots located at 15 Valleyview Drive in the R (Residential) District. Tax Map 5C, Lot 142.

Robert Best stated that the applicant sent a request previously this afternoon to continue to the February 17, 2015 Planning Board meeting.

Public Comment

Steve Amick, 11 Valleyview Drive, stated that he has lived in Merrimack for 2.5-3 years and has “put up with Maggio” every moment he has lived here. He has not gotten any benefit from this project or at the very least been compensated with kindness or courtesy. His neighbors have been treated similarly. Steve Amick continued that Mr. Maggio has not been in full compliance with the things he said he would do. He was going to dig up the water main and Steve Amick was not even acknowledged when he went out to discuss the project in front of his house. A huge hole was dug up in his yard and his stone wall was torn down and it remained in this state off and on. An excavator was hammering rock nearby. Mr. Maggio promised that the yard would be repaired and pavement would be down in 2 weeks. It was only finally completed a month ago. They did not repair a crack in the driveway created by the excavator. Steve Amick had to rebuild the stone wall himself because it was not professionally done as promised. Mr. Maggio said the yard would be hydro-seeded and that was not done. Steve Amick said that he got broken promises and minimal interaction from Mr. Maggio. The curbing is still not put in. Steve Amick appreciates that the vehicle traffic did stop after his wife went to a Planning Board meeting to complain about the issue. Steve Amick stated that the road was not plowed last week and that Mr. Maggio is supposed to be responsible for that. He felt that he needed to come to this meeting to vent about these issues. Mr. Amick is fed up with him and wonders if it's time to nail Mr. Maggio with some consequences. His concern right now is when will this be done and when can he be done with Mr. Maggio for good?

Robert Best asked what the situation with the stonewall is and Steve Amick stated that he rebuilt it and he is happy with the state of the wall currently. Steve Amick is frustrated that it was not “professionally done” as promised. In terms of the items that still need to be addressed, Robert Best stated it's just the curbing and seeding.

Steve Amick hopes that the access road can be finished so a plow can get through. He does not see any reason why the road could not be finished by now. Alastair Millns stated that it has not been done because he (Mr. Maggio) was trying to re-align the road to avoid some rock ledge, which was not approved by Public Works. This delayed the access road construction. Alastair Millns confirmed that Steve Amick was happy with the state of the stone wall on his property.

Steve Amick stated that Mr. Maggio has no regard for this town, the people who bought houses from him or the residents of this town.

Robert Best discussed the timeline of the project with Steve Amick and that the bond for the emergency access way will come due in May 2015. The Planning Board will decide at that time whether it's appropriate to call the bond or extend it at that time. After the emergency access work is completed a maintenance bond will remain for another 2 years. There will be a public hearing before this board and Robert Best encouraged Steve Amick to watch the agendas and come speak if he feels there is something to be addressed in regard to the road completion.

The Board voted 7-0-0 to continue the public hearing to March 3, 2015 at 7:30 pm in the Matthew Thornton Room on a motion made by Alastair Millns and seconded by Nelson Disco.

- 4. Old Blood Properties, LLC and Joseph K. and Mary El Kareh (co-applicants/co-owners)** – Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. This item is continued from the December 16, 2014 Planning Board meeting.

At the request of the applicant, the Board voted 7-0-0 to continue the public hearing to January 20, 2015 at 7:30 pm in the Matthew Thornton Room on a motion made by Alastair Millns and seconded by Desirea Falt.

Lynn Christensen questioned whether a roundabout was ever considered at the intersection of Baboosic Lake Road and Madeline Bennett Lane. Robert Best answered that it was not a part of this proposal. Nelson Disco answered that it was determined there was not enough land to do that when that intersection was proposed, without taking land from nearby properties and therefore a traffic light was instituted.

5. Discussion/possible action regarding other items of concern.

- **Robert & Susan Arp** – Voluntary Lot Merger for Tax Map 3C, Lots 080 and 081, also known as 6 Tallant Road.

Robert Best stated that this was for information purposes only and would be signed by himself and the Secretary after the meeting.

– Crestview Circle Maintenance Bond Release

Robert Best read a Memo from Kyle Fox, Deputy Public Works Director, recommending the release of the bond.

The Board voted 7-0-0 to release the maintenance bond in the amount of \$55,383.64 on a motion made by Desirea Falt and seconded by Nelson Disco.

Robert Best asked Jillian Harris, Planning and Zoning Administrator, to discuss adding bond releases to future agendas with Community Development Director Tim Thompson. Nelson Disco suggested that bond releases should have a public hearing and be noticed. Robert Best feels there is a reason they are on the agenda under other items of concern but could not recall the reason behind that.

6. Approval of Minutes – November 18, 2014, December 2, 2014 and December 16, 2014.

The Board voted 7-0-0 to approve the minutes of November 18, 2014, with changes, on a motion made by Lynn Christensen and seconded by Alastair Millns.

The Board voted 6-0-1 to approve the minutes of December 2, 2014, as submitted, on a motion made by Lynn Christensen and seconded by Desirea Falt. Nelson Disco abstained.

Alastair Millns commented to staff that he would like to add a future agenda item to one of the upcoming meetings on the soil presentation heard by Karen Dudley on December 2, 2014. The purpose would be to discuss what the Board will do with the information and Pete Gagnon may have some input.

The Board voted 7-0-0 to approve the minutes of December 16, 2014, with changes, on a motion made by Lynn Christensen and seconded by Alastair Millns.

Public Comment was received from Richard Kalika.

Richard Kalika asked if the PSNH Eagle Substation application would be heard tonight and Robert Best responded that it was heard at the last meeting in December, which was a second hearing for the application.

Richard Kalika discussed a court settlement for a buffer that he gave them land for previously. He continued about the health effects of microwaves from substations such as this. He provided a report from the World Health Organization on the cancerous effects of the proximity of the microwave transmissions to staff.

Richard Kalika feels that the Board has gone against the settlement agreement by approving this project. He stated that he would re-address this with the court.

Nelson Disco stated that PSNH told the Board the issues had been settled during the public hearings for the application.

Robert Best stated that there is not anything the Board can take action on tonight as the application was approved already.

Richard Kalika re-stated that he believes the action that was taken negates the settlement on the initial approval of the Eagle Project in his opinion.

7. Adjourn.

The meeting adjourned at 8:36 p.m., on a motion made by Alastair Millns and seconded by Lynn Christensen.