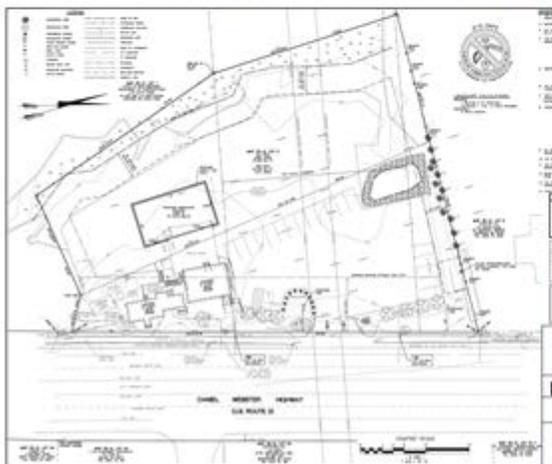




# TOWN OF MERRIMACK, NEW HAMPSHIRE

## DEVELOPMENT GUIDE



Town of Merrimack, New Hampshire  
**DEVELOPMENT GUIDE**

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*Town of Merrimack, New Hampshire*

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**NOTE:**

*This document should not be used for any purpose except as a reference manual. As such, persons using this document should not consider it to be a legal or binding covenant upon the Town of Merrimack. The Community Development Department should be consulted prior to any development actions that may be taken based upon the contents of this guide alone.*

*This guide is designed to be a general overview of the development review process in Merrimack and your feedback will assist us to improve the guide as well as the review process. Please contact the Community Development Staff with any comments, feedback or questions.*

*A special thanks to the Staff of the Planning & Community Development Department for the City of Dover, NH. This handbook was inspired by, and modeled after the [City of Dover's Developers' Handbook](#), which served as an excellent template from which the Merrimack guidebook was developed.*

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# Section 1:

# Introduction

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## Developers Guide Background Information

- ✓ Goals and Objectives
- ✓ Staff
- ✓ Board, Committees and Commissions

## Developing Your Property in Merrimack

In Merrimack, land development reaches back over hundreds of years. As time has progressed, the development patterns and development process has continually evolved. The early settlers at Reeds Ferry did not need a building permit to erect their houses, nor did they worry about setbacks or minimum lot sizes. In fact they would be bewildered by those concepts. Merrimack's Community Development staff and volunteer land use board members recognize that while terms change and processes are created, a degree in planning or engineering should not be required to develop your property.



It is with that understanding that the Town of Merrimack has developed this Guide. It will outline the process and help property owners and developers find their way. It is written in simple and concise terms, and should be useful whether this is your first lot line adjustment, or you have developed multi-tenant commercial ventures for twenty years.

## Goals and Objectives

Development in Merrimack is guided by principles rooted in its Master Plan. To assist property owners and developers with the development process, Town staff has prepared this guide. We have attempted to make this guide easy to read and understand. It is designed to flow like a resource rather than a set of regulations. The guide outlines the process used in Merrimack, as well as the various boards, commissions and staff involved in the permit and review process for land development.

By no means is this guide a stand-alone document. Property owners, developers and their representatives are encouraged to discuss any portion of the process with Town staff to ensure that we are all working on the same page.

## Staff

The Town of Merrimack operates with professional staff, and as needed, an outside engineering (peer review) consultant, reviewing projects and advising volunteer boards and commissions. This staff is located throughout the Town, but is connected in a variety of ways, and uses many methods to communicate and interact with our citizen clients. While staff may not all be located in one office, we work with developers as part of one team to shepherd a project from concept to certificate of occupancy.



## Boards, Committees and Commissions

### Planning Board

This is a seven member citizen appointed body which is charged with review and approval of site plans and subdivisions which occur in the Town. The Community Development Department

(CDD) Staff serves as the Board's representative on a day-to-day basis. Minutes and agendas are posted in the Community Development Department Office. The Planning Board generally meets twice a month on Tuesdays at 7:00 pm.

### Zoning Board of Adjustment

This is a five member citizen appointed body, and it is responsible for hearing all variance, special exception, equitable waiver of dimensional requirement requests and appeals of administrative decisions. The Planning & Zoning Administrator serves as the Board's primary staff liaison with assistance from other Community Development Department Staff. Minutes and agendas are posted in the Community Development Department Office. The Zoning Board of Adjustment meets on the last Wednesday of the month at 7:00 pm.

### Conservation Commission

This is a seven member citizen commission with responsibility for locally advising the Planning Board on the Town's Aquifer Conservation District, Wellhead Protection Areas, and wetland/wetland buffer requirements. Any development project that involves filling, dredging, removing or altering any wetland area (including buffer areas) will require involvement with the Commission. The Community Development Department

provides administrative support for this commission. Minutes and Agendas are drafted by the Commission and are available through the Community Development Department Office. The Conservation Commission meets generally twice a month on Mondays at 7:00 pm.

### Economic Development Citizens Advisory Committee

This is an eleven member advisory committee with responsibility for providing input and advice on matters relating to the Town's strategic economic development opportunities and initiatives as well as providing tools and assistance that encourage business retention and attract new commercial and industrial projects to Merrimack. The EDCAC meeting schedule is posted on the Town website.

# Section 2:

# Local Approvals

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## What Local Approvals Do I Need?

- ✓ Community Development Department
- ✓ Building Department
- ✓ Fire Department
- ✓ Types of Development

## Approval Process

Property and Business owners who are proposing development, additions or land use changes should contact the following Town Departments, in order listed, to determine what approvals and permits will be needed and the timeline and process for each. Flowcharts in this Section outline the process for typical projects.

1. Community Development Department (CDD)  
6 Baboosic Lake Road  
Merrimack, NH 03054  
(603) 424-3531
2. Building Department  
432 Daniel Webster Highway  
Merrimack, NH 03054  
(603) 420-1730
3. Fire Department  
432 Daniel Webster Highway  
Merrimack, NH 03054  
(603) 424-3690

## Types of Development

### Subdivisions

A subdivision is the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.



There are two types of subdivisions in Merrimack: major and minor subdivisions. A major subdivision is one where a lot, tract or parcel of land is divided into four (4) or more separate parcels, or a subdivision which requires new streets, the extension of municipal facilities or the creation of any public improvements.

A minor subdivision is the division or re-division of a lot, tract or parcel of land into three (3) or fewer parcels, provided that there shall be no extension of streets or other significant improvements required; or, any subdivision that, in the judgment of the Planning Board, will present no significant engineering and/or planning difficulties.

In Merrimack, a major subdivision may be developed as a cluster subdivision. This format allows creativity and flexibility in layout and preserves open space by concentrating all of the units developed in a more clustered location on the original parcel. The subdivision may include lot lines or may be free of lot lines, in a condominium-like format. A roadway created may be proposed as either public or private.

### Lot Line Adjustments

A lot line adjustment alters the size of two or more lots, but does not create any new buildable lots. This may be done as part of an accompanying subdivision or may be a stand-alone project.

### Site Plan Review

A site plan is a professionally rendered drawing which delineates the proposed development of a site. This plan is required for non-residential development, creation of multi-family residential structures, and for extensions of parking lots.

Below are listings of projects types which require site plan approval, prior to the issuance of a building permit:

### *New construction*

Site Review and Planning Board approval will be required for development of land for:

- Non-residential uses;
- Multi-family dwellings of three (3) or more units; and;

### *Expansions and/or additions*

Community Development Department review will be required for the following expansion and/or additions to existing development:

- Any increase of nonresidential development resulting in an expansion or addition of gross floor area.
- Any addition to a residential structure resulting in the creation of three (3) or more residential units.
- Any non-residential accessory structures.
- Any expansion of a paved parking area creating an additional parking area.

Notwithstanding the above criteria, the CDD may require any project which has a significant projected impact on traffic, health, welfare, and safety issues to appear before the Planning Board for Site Review.

### *Change of Use of Existing Structures*

Site plan review will be required for a change in conforming use with a new use allowed in the zoning district in which the tract or structure is located. The following criteria constitute a change in use:

- Development which causes a residential structure to be converted resulting in three (3) or more units.
- Proposals that would change the use of an existing structure.
- Any proposal which, in the judgment of the CDD, has the potential for having a significant impact on the health, safety and welfare of the community.

Whether a plan is following the subdivision process or site plan review process, the Planning Board reserves the right to require additional information, such as a traffic impact study or drainage analysis. The costs associated with development and review of these studies is the responsibility of the applicant.

## Conditional Use Permits

A conditional use permit is a tool used by municipalities to implement “innovative land use controls” adopted pursuant to [RSA 674:21](#). A conditional use permit allows certain uses within a zoning district to be permitted with conditions under a permit approval process.

A conditional use permit is required for the following development types and land uses:

- Alternative Treatment Centers
- Self-Storage Facilities in the C-2 (General Commercial) District
- Mixed Use Developments
- Outlet Village Shops

## Home Occupation Permits

Home occupation permits are required for those occupations meeting the criteria outlined in Section 2.02.1.A.2 of the Zoning Ordinance. Certain home occupations which meet the criteria listed in Section 2.02.1.A.3 of the Zoning Ordinance do not require a permit but must contact the Community Development Department for Administrative Approval.

## Order of approvals/permits

For all types of development, property owners and developers should contact the Community Development Department as the first point of contact in the local approval process. Generally, most projects will require approvals/permits from the Community Development Department first and will then proceed to the Building Department for Building and Fire Permits. Certificates of Occupancy require review and signature from the following Town Departments, as applicable:

- Wastewater Division
- Water Department – Village District
- Public Works Department / Highway Division
- Planning and Zoning
- Fire Department
- Building Division
- Health Department

# Section 3:

# Community Development Department

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## Planning and Zoning Process

- ✓ Planning Board Review Process
- ✓ Zoning Board Review Process

## Planning and Zoning Process

The Community Development Department provides staff support for the Planning Board, Zoning Board of Adjustment, Conservation Commission, and others as needed or directed by the Town Manager. The department's staff through its various divisions administers the Town's Zoning Ordinance, Subdivision and Site Plan Review Regulations and processes all associated applications. The Department coordinates with the Building Department on many permits and licenses.

The department also provides information, services, and assistance to the general public in addressing issues related to planning, conservation and development. The department welcomes questions, comments or requests for assistance from any resident interested in the wide range of community issues under its umbrella as well as from those with specific individual needs.

## Planning Board Review Process

Merrimack follows a process, outlined below, which attempts to be both efficient and aimed at facilitating a transparent development process. Meetings are open to the public, and Planning Board meetings are conducted live on the town's local government access channel, television channel 20. Staff works to keep abutters informed of development and encourages interaction between developers and their neighbors as much as possible during the process. At the same time, staff understands the need for

discretion and will meet with property owners in a confidential manner throughout the pre-application process as permitted under State law, recognizing that once a plan has been formally submitted it is available to the public for review.

### Pre-submission Phase

Applicants are expected to review the Town's Land Use Regulations, including the applicable site plan, subdivision, and zoning regulations prior to preparing plans for Planning Board review. These regulations will guide the Planning Board and applicant through the approval process. Included in these regulations is information on permitted uses, dimensional restrictions, application procedures, and specific plan requirements. Copies are available from the Community Development Department office and [online](#).

### Conceptual Review

A project may start the development approval process with a meeting with the Planning staff. Staff will meet with a developer to review a potential concept as needed and is happy to outline the process with a developer. At this initial concept meeting, the developer will get feedback on basic concepts and elements on the plan. Additionally, this meeting will identify if a special exception, variance or conditional use permit is required.

Commercial projects may begin their process by meeting with the Community Development Director and his/her staff as necessary. There are special requirements and opportunities which might apply to non-residential projects and these can be discussed during the concept meeting.

For site plans and larger subdivision projects a pre-application meeting with other town departments is also advisable. This meeting provides an informal, no cost opportunity for anyone with a development idea to receive feedback. Staff will listen to ideas and offer feedback which might avoid a log jam further into the process. These meetings are scheduled and coordinated with the Community Development Department as needed.

### Approval Phase

Prior to appearance before the Planning Board, all plans must meet the Town's requirements as outlined in the Zoning Ordinance, and Subdivision or Site Plan Regulations as applicable. This may require appearances before other Boards or Committees to start the process (in some cases it is possible to appear before other Boards and Committees after the Planning Board has approved a project, generally as a condition of Planning Board approval. It is recommended, however, that whenever possible an applicant obtain any necessary recommendations/approvals from these other Boards prior to proceeding to the Planning Board).

## Planning Board Review

The Planning Board meets on the first and third Tuesday of each month at 7:00 P.M. in the Matthew Thornton Room on the second floor of Town Hall, West Wing (former courtroom).

Subdivisions and site plans must be submitted to the Planning Department at least 3 weeks prior to the meeting at which they are to be considered. Applications are available in the Community Development Department Office, or [online](#). The applicants should be aware that they will be charged for processing the application, for notifying the abutters by certified mail, and to cover the cost of advertising the public hearing in the newspaper, and peer review escrow as necessary.

Once the plan is formally submitted and all fees paid, the plan is placed on an appropriate Planning Board meeting agenda. Additionally, staff notifies abutters to the project with a comprehensive notice alerting the abutter to the intent of the project as well as other pertinent information. Community Development Department staff will draft a memo to the Planning Board prior to the public hearing outlining the proposal and including a recommendation to the Board, as well as a recommended list of preliminary conditions for approval. In order to ensure a smooth process, staff will communicate these conditions to the applicant as early as possible.

The Planning Board review will start with a determination of whether an application is complete and a vote to accept the application if that determination is made. If an application is determined to be incomplete the Board may either make a formal determination or continue the application to a future date so the applicant can return with the incomplete or missing information. If the Board votes to determine an application is incomplete, the applicant can return with a new application and the missing information, but must pay the required fees for the new application and be placed on a future agenda with required notice to abutters.

The State of New Hampshire requires that once a plan is accepted by the Board it must be acted upon within 65 days. If the decision cannot be made within 65 days, an applicant will be apprised and asked for an extension.

Applicants are expected to present their plans at the meeting and answer questions from the Board. The public is invited to speak during public hearings which are held for each new case. Abutters are invited to express their opinions in regard to the proposed project and ask questions. The applicant may have a designated agent represent the plan, such as an attorney, civil engineer, surveyor or other professional. Staff works with the applicant and/or agent to present the plan in an articulate manner.

If the applicant requests any waivers from the subdivision and site plan regulations they must be requested in writing prior to the public hearing. The Board will vote with respect to any requested waivers utilizing the criteria from RSA 674:36 or 674:44, as applicable:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the subdivision (or site plan), or conditions of the land in such subdivision (or site plan), indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Planning Board may make a decision to approve or disapprove the proposed project after the public hearing or to continue the hearing to a future meeting if more information is needed to make a decision. See Section 6 for discussion of what happens after a project receives conditional approval.

## **Zoning Board of Adjustment Review**

The Zoning Board of Adjustment (ZBA) is a quasi-judicial board which hears and votes on all requests for variances and special exceptions from the Zoning Ordinance, equitable waivers of dimensional requirements and appeals from administrative decisions. Additionally, the ZBA acts as the appeal board for interpretation of the zoning ordinance. This appeal may be to any officer or Board of the Town, which has made a zoning interpretation. The Zoning Board of Adjustment meets on the last Wednesday of each month at 7:00 PM in the Matthew Thornton Room on the second floor of Town Hall, West Wing (former courtroom). Meetings are open to the public and televised on MerrimackTV channel 20.

Applications are due to the Community Development Department office three weeks prior to the scheduled meeting of the Board. Applications are available in the Community Development Department Office, or [online](#) and contain a worksheet with the individual questions that need to be answered in front of the Board. The applicants should be aware that they will be charged for processing the application, for notifying the abutters by certified mail, and to cover the cost of advertising the public hearing in the newspaper.

During the hearing, the applicant will address the criteria for variance, special exception or equitable waiver outlined in the application. During the public hearing, the public is invited to speak and express their opinions in regard to the petition and ask questions. The Board will act on the information that has been presented. In order for a finding in favor of the applicant, 3 or more members of the Board need to vote in favor. If there are less than 5 members present, the applicant may choose to not be heard that night.

In the case of an appeal the applicant shall present why they feel an error has been made.

Once a decision has been rendered the petitioner or affected party may apply for a rehearing within 30 days of the date of the hearing. A rehearing may be granted as part of the appeal. There are additional reasons that a rehearing may be warranted. If the Board approves the request, the rehearing will be scheduled at a subsequent meeting as a new case.

Within 30 days after the decision of such a rehearing, the petitioner or affected party may appeal, by petition, to Superior Court. After a petition has been granted by the ZBA, barring any requests for rehearing or litigation from abutters, and upon waiting the 30 day period, the next step is for the applicant to obtain the necessary building permits, and Planning Board approval if necessary.

### Conservation Commission Review

The Merrimack Conservation Commission (MCC) usually meets on the 1st and 3rd Monday of each month, at 6:30 p.m. in the Merrimack Memorial Conference Room. The MCC advises the Planning Board on all projects that are to be located in the Aquifer Conservation District and the Wellhead Protection Areas. The MCC also reviews Dredge & Fill permits for the NH Department of Environmental Services (NHDES). The results of their review are submitted to the Planning Board and/or the NHDES for their consideration and action.

Applications are due to the Community Development eleven days prior to the scheduled meeting of the Board. Application instructions are available in Community Development Department, or [online](#). Applications may be concurrent with site or subdivision applications, or may be submitted separately.

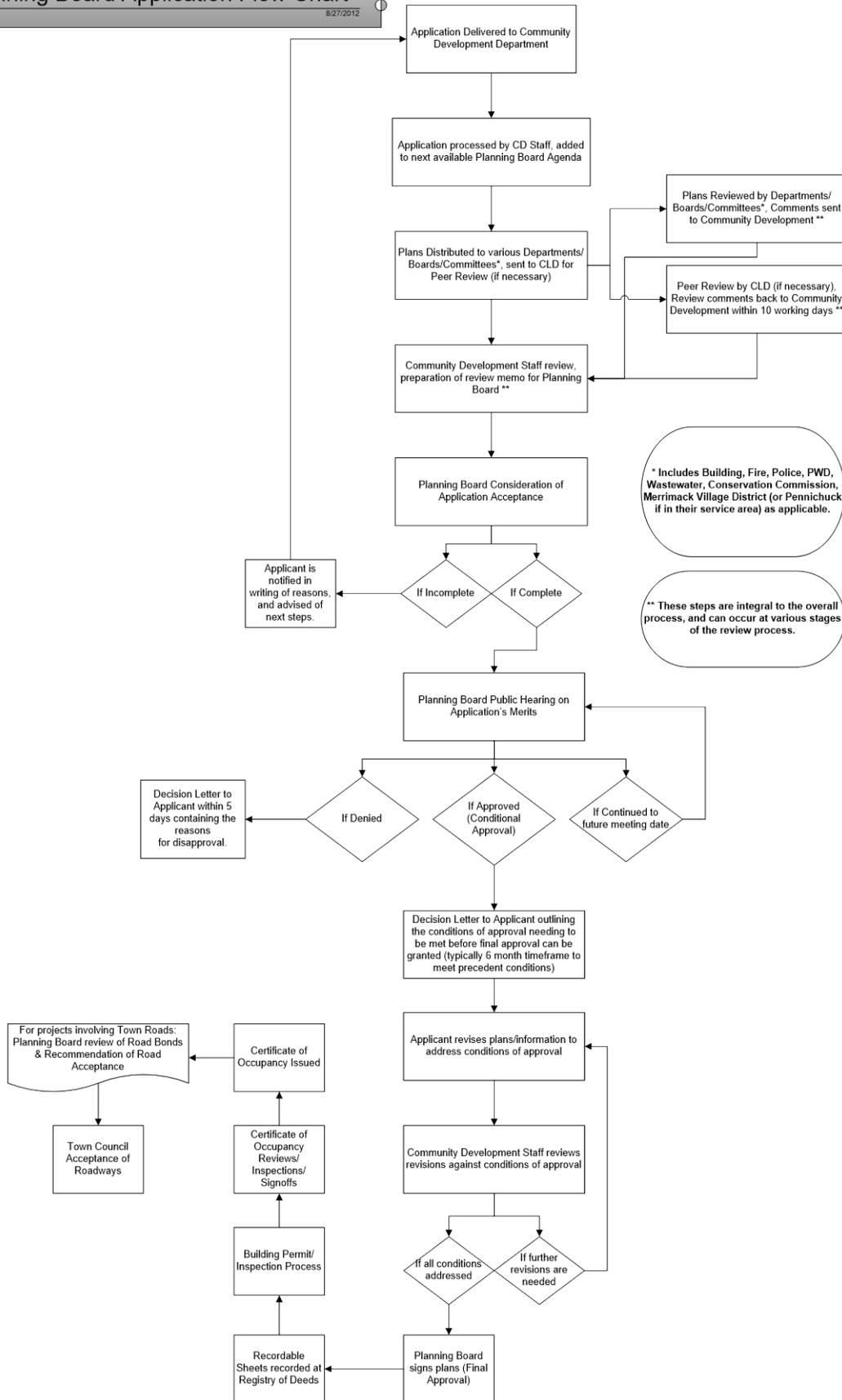
The Conservation Commission will review an application at its meeting and may or may not require a site walk. Additional meetings may be required for the Commission to fully understand and act on an application. The Commission acts as an advisory body and forwards recommendations for approval onto the Planning Board for the ultimate decision.

Merrimack Town Website: [merrimacknh.gov](http://merrimacknh.gov)

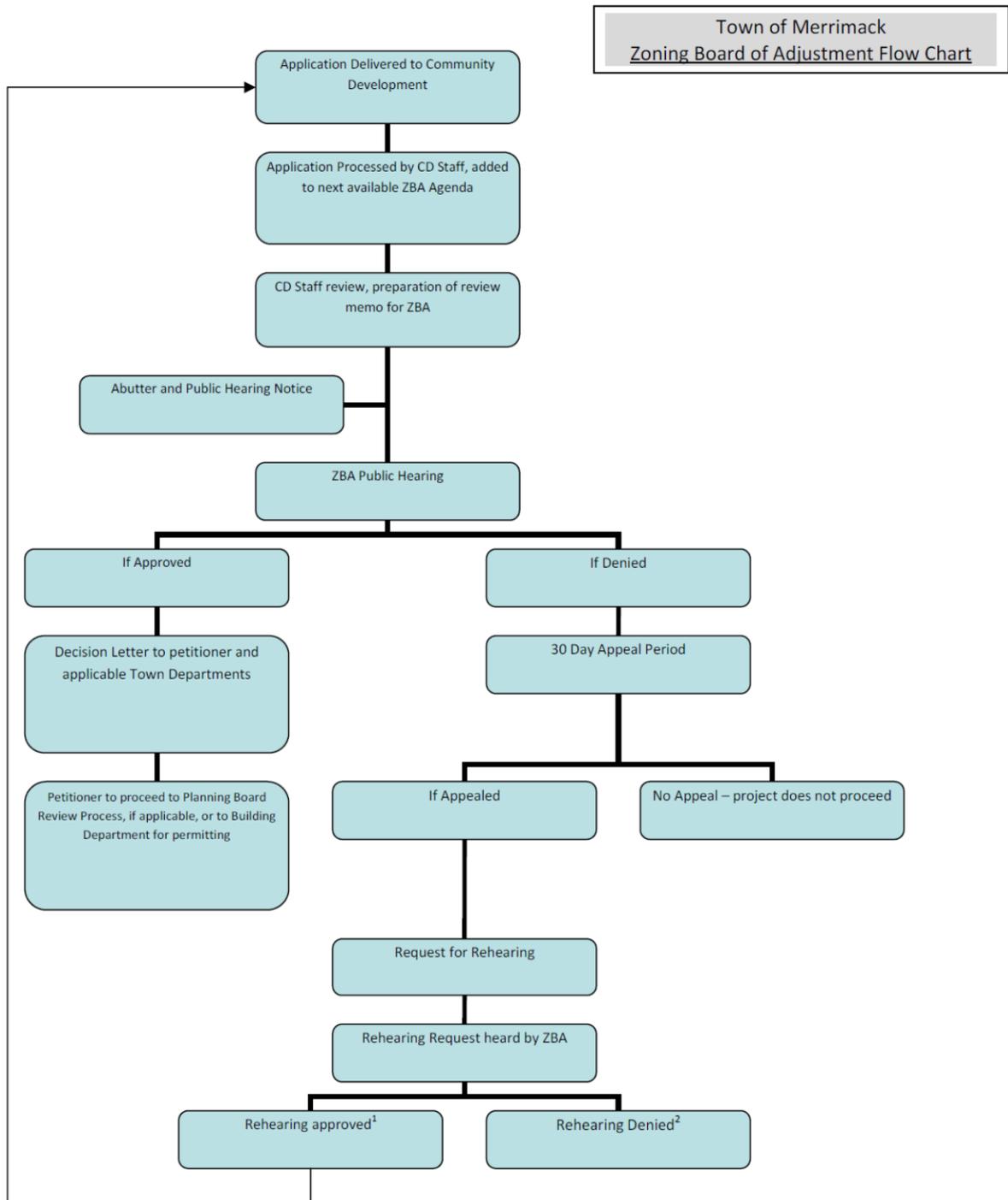
# Town of Merrimack Planning Board Application Flow Chart

8/27/2012

Figure 1: Planning Board Process



**Figure 2: Zoning Board of Adjustment Process**



1. If after a rehearing, the board makes the same decision, and applicant opts to appeal, then the appeal goes to superior court.

2. If the board denies the rehearing request, the applicant has the option to appeal to superior court.

# Section 4:

## Building & Fire Department Process

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### Building and Fire Approval Process

- ✓ Building Permits
- ✓ Fire Department Permits
- ✓ Health Division Permits

### Building Permit Process

The Town of Merrimack requires a building permit for all commercial and residential construction and remodeling activities, as well as pools, decks, etc. Additional permits are required for any work related to new septic systems, in conjunction with required state approvals.

A permit is not required for accessory sheds (residential use) less than 160 square feet, fences, landscaping, roofing (non-structural), ordinary repairs, or replacing of existing doors or windows of the same size and location. In order to obtain a permit, the following information must be submitted to the Building Department:

- 1.) Completed Building Permit Application form;
- 2.) Submit (1) septic or plot plan to scale which includes all existing buildings, structures and appurtenances, and proposed structures; and
- 3.) Submit two (2) sets of complete building plans drawn to scale, including a foundation, floor plans, elevations and cross section of building wall construction

Application forms are available at the Fire Department Building Division and online at the Town's web site/Fire Department/Building Division. Application Forms must be filled out completely to include all pertinent information, construction documents and plans.

A plot/site plan may be available at the Building Department files. A septic design plan may also be used as a basis for the plot, with required information added. A certified plot plan is not generally required, however when using an alternative, boundaries must be shown and distances must be measured and indicated on the plan. All plot plans must be to scale and labeled.

Building plans submitted for review must be drawn to scale. All pertinent information should be included on the drawings. Structural foundation size, type, depth, reinforcing, etc., Architectural plans indicating type of construction, identify room use, door and window locations, egress, insulation R-value, and interior and exterior finish materials.

*The Town of Merrimack does not survey property or determine boundary lines*

Most Residential Projects may not require engineered plans, but must be to scale and have accurate dimensions on the construction plans. Commercial projects require engineered stamped plans prepared by a licensed NH professional.

After receiving a completed permit application, the department staff reviews the application for completeness and compliance with the Town's Regulations, Ordinances and building code compliance. Once all Town Regulation and code related concerns are resolved, the permit fees are calculated and the applicant is notified and advised of the permit fee and any conditions of approval.

A non-refundable application fee of \$25.00 is charged for all permits. Merrimack uses a square foot area basis for permit fees. A complete fee schedule is available [online](#) and at the Building Department. The square footage calculation is the sum of the area of all useable floor space, and may include the basement and/or accessible attic area.

New Hampshire Licensed Plumbers, Electricians and Gas Fitters are required by Law for all commercial and most residential construction projects.

Permits Fees not paid or permits not picked up within six months, or if the work has not begun within six months, the permit becomes void and a new application must be submitted. If work is not begun, a permit may be refunded less a 25% administrative fee.

Inspections are conducted on a request basis. It is the responsibility of the permit applicant, general contractor and or property owner to comply with these requirements.

**Figure 3: Building Permit Checklist**

## What Permits or Certificates are required for my Project?

For Construction Projects the following Applications are required:

Project	Bldg & Septic Application With / Planning & Zoning signature of approval (if required)	Sewer Application with/ Wastewater's signature of approval (if required)	Gas/Mechanical Permit	Electric Permit	Plumbing Permit
New Construction	Yes (with Septic)	Yes (with Sewer)	Yes	Yes	Yes
Renovation(s)	Yes	-	Yes	Yes	Yes
Addition(s)	Yes	-	Yes	Yes	Yes
Foundation Only	Yes	Yes	-	-	-
Temporary Trailer(s)	Yes	-	-	Yes (If Temp. Elec. Service is installed)	-
Chimney/ Fireplace (Masonry) Gas Logs	Yes (if new masonry)	-	Yes (If gas line is installed)	-	-

For Demolition of structures the following Applications are required:

Project	Demolition Application (with all applicable Department's signatures)	NHDES Asbestos Approval
Demolition of Structures	Yes	Yes

## Fire Department Permits

The Merrimack Fire Department enforces National Fire Protection Association (NFPA) codes and standards per the State Fire Code. The Fire Marshal issues the following permits:

- Sprinkler System Permit
- Fire Alarm System Permit
- Range Hood Permit
- Propane Storage Tank Permit
- Blasting Permit
- Event Permits

## Health Inspections and Permits

The Health Division issues the following permits:

- Food Service\*
- Temporary Food Vendor
- Public Bathing
- Event Permits

\*Merrimack is a self-inspecting community and applications for food service licenses can be obtained from the Merrimack Health Officer.

# Section 5:

# Other Departments

# Process

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## Other Departments/Agencies

- ✓ Public Works Department
- ✓ Wastewater Division
- ✓ Merrimack Village District Water Works
- ✓ Pennichuck Water Works

## Other Approvals and Permitting

Certain types of development require review, approvals and permitting from other Town Departments and Agencies. Development that involves new roads or work in the town right-of-way requires review and approvals from the Department of Public Works and Highway Division. Development that involves sewer connection requires review and approvals from the Wastewater Division. In addition, development that requires town water connection requires review and approval from the Merrimack Village District or Pennichuck Water Works. This Section outlines the basic processes for review and approvals from these Departments and Agencies.

## Public Works Department

The Department of Public Works (PWD) Administration/Engineering Division issues review and approval of development proposals that involve new roads, such as subdivisions. These proposals are sent to PWD during the Plan Review phase prior to Planning Board approval and comments are discussed and in some cases become conditions of approval for these proposals. New roads also require performance and maintenance bonds and acceptance by the Town, which is coordinated through this Division during the plan review and approval phase of the Planning Board procedure as well. Work done in the right-of-way, including driveways that connect to the right-of-way require approvals and permitting through the Highway Division.

## Wastewater Division

### Mission

*The Wastewater Division's mission is to provide an environmental service to our community through monitoring, collecting and treating the wastewater from the Town of Merrimack in a manner that surpasses our federal discharge limitations (NPDES permit), to provide this service in the most cost-effective manner and to produce a Class A compost material that surpasses all Federal requirements and State requirements (New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Maine).*

### Vision

*The Wastewater Division strives to be:*

- 1. A leader in our field,*
- 2. The best,*
- 3. Responsible to our users and community, and*
- 4. An advocate for a sustainable environment*

Sewer connections are based on Town Code (Chapter 158-Sewer Use) and State law (RSA 147:8) and is required if a home or building is within 200 feet of the sanitary sewer.

A waiver can be requested if the septic system meets the following criteria:

- Installed after 1985
- Inspected by a licensed subsurface designer and the system is shown to be properly functioning and is approved by the Town of Merrimack Town Council. Waiver requests with appropriate backup may be sent to the Director of Public Works, 6 Baboosic Lake Rd, Merrimack NH 03054
- Approved by the New Hampshire Department of Environmental Services, subsurface division

The procedure to connect to Town sewer is as follows:

- Sewer connection permits are issued by the Sewer Inspector at the wastewater treatment facility, 36 Mast Rd. A \$2,000 connection fee is due at the time the permit is issued.
- A copy is sent to the Building Department located at the Merrimack Fire Department, DW Highway where a building permit form must be filled out and approved by the Building Official.

- The property owner will contract with an installer to install the sewer lateral connection to the town sewer once all permits are issued. The Building Official will inspect the installation prior to backfilling. A sanitary check valve is required as part of the installation.
- Sewer fees are billed semi-annually on the property tax bill for residents.

## **Merrimack Village District Water Works**

The Merrimack Village District (MVD) is a Municipal Corporation established and regulated in accordance with the provisions of RSA 52, as amended. Under this law, the District has similar powers like a town and is governed by a five-member Board of Commissioners, Clerk, Treasurer and Moderator. The registered voters of Merrimack elect the officers at the District's Annual Meeting. As with other Town Departments and Agencies, the Merrimack Village District reviews and approves proposed development that involves town water connection in those areas of town that they service.

## **Pennichuck Water Works**

Pennichuck Water Works was established in 1852 and serves the City of Nashua, New Hampshire and 10 surrounding New Hampshire municipalities, including Merrimack, located in southern New Hampshire. They service primarily the southern portion of the town within the Pennichuck Brook Watershed. Pennichuck Water Works reviews and approves proposed development that involves water connection in this area of Merrimack.

# Section 6:

## Post-Approval Process

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### Post-Approval Process

- ✓ Conditions of Approval
- ✓ Plan Signing and Recording
- ✓ Permitting and Inspections

### Post-Approval Process

#### Conditions of Approval

Following Planning Board action (approval or denial), the Community Development Department will issue a decision letter to the applicant and/or property owner. In the event of a denial, any party to the action or proceedings, or any party directly affected thereby, may appeal the Board's decision within 30 days, in accordance with RSA 677:15. Applications that are approved generally have precedent and general/subsequent conditions that the Planning Board places on the approval as part of the motion to approve at the public hearing. These conditions will be outlined in the decision letter from Community Development, along with the timeframe they must be completed in.

Precedent conditions of approval must be completed within the timeframe placed on them by the Board and before final approval can be given and Planning Board signatures obtained on the final plan set. General and subsequent conditions can be completed following plan signatures but must be completed before a certificate of occupancy can be issued.

The Community Development Department staff will work with the applicant on what needs to be provided to the Department to meet conditions of approval and perform a review of revised plans and/or documents. Upon confirmation that all conditions of approval have been met, staff will coordinate with the Planning Board Chair and Secretary for plan signing.

Approved plans must be signed by the Planning Board Chair and Secretary before the applicant can move to the building permit and construction phase of the process with the Building Department.

## Plan Signing and Recording

After plans are signed by the Planning Board Chair and Secretary, Community Development Department staff will notify the applicant/property owner

that the plans are ready for recording, if applicable. The applicant/property owner is responsible for recording the plans/documents at the Hillsborough County Registry of Deeds, paying the recording fee and notifying the Community Development Department of the book and page or plan numbers given for the recording by the registry.

Hillsborough County Registry of Deeds  
19 Temple Street  
P.O. Box 370  
Nashua, NH 03061

[nhdeeds.com/hillsborough/HiHome.html](http://nhdeeds.com/hillsborough/HiHome.html)

Phone (603) 882-6933  
Fax (603) 882-7527

## Permitting and Inspections

Section 4, Building/Fire Department Process outlines the necessary permitting process that is needed after Planning and Zoning approvals are finalized. A checklist for what permits or certificates are needed for different types of construction are included (see Figure 3, page 17). Before occupancy of any type of structure can take place, the Building Official must issue a Certificate of Occupancy. This requires review, inspection and sign-off from each applicable town department that the site and structure has been built in accordance with approved plans and applicable codes. A Certificate of Occupancy checklist will be issued from the Building Department and the project manager must obtain all required signatures before the Building Official can sign and issue a Certificate of Occupancy. For Planning and Zoning inspections and sign-off a certified plot plan is required per Section 6 of the Merrimack Subdivision/Site Plan regulations for residential properties and typically a certified As-Built Plan is required for commercial/industrial properties as part of the Planning Board's conditions of approval.

# Section 7:

## Post-occupancy Concerns

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### Post-Occupancy Concerns

- ✓ Site Plan/Subdivision Terms of Approval
- ✓ Service Request Process

### Post-Occupancy Concerns

Occupants and business owners will need to be aware of local regulations and inform the Building Department of any future additions, renovations, new construction, etc. to determine the need for future building permits. Planning and Zoning review will be conducted in coordination with the Building Department on these future site changes to determine the need for additional Planning Board or administrative reviews. Residential property owners should contact the Community Development Department for proposed structural additions to their property in order to determine appropriate setbacks and permitted uses. Should there be Planning Board or Zoning Board approvals needed the Department staff can help guide property owners through the appropriate process (See Flowcharts – Section 3).

### Site Plan and Subdivision Terms of Approval

A Site Plan or Subdivision approval indicates the terms under which the site or subdivision must operate. Therefore, any changes to the site or operations or a change of use requires review by the Community Development Department and possibly additional review and approval by the Planning Board.

Per Section 10.02 of the Merrimack Zoning Ordinance – Penalty for Violation: Any person, who violates any of the provisions of the Town of Merrimack Zoning Ordinance, Building Code, Non-Residential Site Plan Review Regulations, Subdivision Regulations, or any provision or specification of any application, plat or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority thereof shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil

penalty not to exceed \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator received written notice from the Town of Merrimack that the violator is in violation, whichever date is earlier.

## **Service Request Process**

The Community Development Department processes service requests for possible violations of the zoning ordinance and/or subdivision and site plan regulations. The first step to start any enforcement procedures from the Town is the submission of a "Service Request" form. Upon submittal of a service request form, CDD staff will perform the appropriate investigation and make a determination of whether there is a violation occurring. Communication will be done through certified mail and email as much as possible for the record. The Community Development Department aims to work with property owners to address these issues and ensure compliance with the Zoning Ordinance before penalties are assessed.