



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, APRIL 4, 2017

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

Planning Board member absent: Vincent Russo.

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. and designated Nelson Disco to sit for Vincent Russo.

2. Planning & Zoning Administrator's Report

The Board voted 7-0-0 to determine that the NIP Owner IV, LLC, site plan is not of regional impact, on a motion made by Lynn Christensen and seconded by Alastair Millns.

3. Skippers Marine Corp. (applicant/owner) — Continued review for consideration of a waiver of full site plan review to amend a previously approved outdoor boat display and storage. The parcel is located at 54 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 029. This agenda item is continued from the November 1, 2016, December 6, 2016, January 3, 2017, February 7, 2017, and February 21, 2017 meetings.

Tim Thompson reported that, since the February 21, 2017, meeting, the applicant met on site with the Fire Department and Community Development. Staff confirmed that the gate sits 15' to the right-of-way and 25' to edge of the existing sidewalk. Both distances are noted on the plan, which has been revised and updated.

John (Skip) Moir, Jr., 11 Loop Road, said he is downsizing and is happy with the new setup.

Alastair Millns doubted whether the applicant would stick to the plan. Lynn Christensen noted that boats are in two vehicle parking spaces, which Skip Moir denied. Chairman Best agreed that the applicant has a little time after Planning Board approval to execute the plan. Tim Thompson said the site plan does not require the gate be closed during non-working hours. Nelson Disco wanted to show the fence on the plan, limit the number of boats and show the capacity on the plan. Chairman Best said that, as long

as boats fit where they are allowed, the inspector would have no problem. He wanted the applicant to have flexibility. The size of the boats would determine where they are stored. Lynn Christensen cautioned against overusing boat storage space or preventing people from getting in to park. She, too, wanted to limit the number of boats allowed. She claimed that the applicant is infringing on the space of others when, for example, a delivery truck has to park on the street. Chairman Best instructed Skip Moir to tell vendors not to park on the street. Nelson Disco wanted all boat storage areas to be shown on the plan. Tim Thompson said that was unnecessary, since Note 14 was added to the plan (what is proposed vs. what exists). Chairman Best suggested removing “snow storage” on the left. Tim Thompson reminded the Planning Board that, when the plan is approved, the applicant must follow it. He is appearing before the Board now because he did not previously comply with the previously approved plan.

There was no public comment.

The Board voted 7-0-0 to waive full site plan review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

The Board voted 5-1-1 to grant approval, subject to the following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made by Lynn Christensen and seconded by Alastair Millns. Nelson Disco voted in the negative. Robert Best abstained.

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. The waiver of full site plan review shall be listed in the notes on the plan;
4. The applicant shall address the following items as required by the Planning Board:
 - a. The fence shall be labeled on the plan and the type/material of the fence shall be noted on the plan;
 - b. The text “PR. EMPLOYEE PARKING” and “PR SNOW STORAGE” (from the original site plan approval) shall be crossed out (or otherwise removed from the plan);
 - c. The applicant shall note the number “2” near the proposed angled parking spaces;
 - d. The applicant shall correct the line/dimension of 25’ from the gate to sidewalk, as it is incorrectly represented on the plan;
5. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
6. The applicant shall address any forthcoming comments from the Highway Division, as applicable;

7. The applicant shall address any forthcoming comments from Pennichuck Water Works, as applicable;
8. The applicant shall address the following applicable comments from the Public Works Department:
 - a. This section of Daniel Webster Highway will require a NH Department of Transportation Permit; the existing permit is dated 2004 and should be updated;
9. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
10. The applicant shall eliminate/rescind any existing cross easements that are no longer possible to physically construct.

4. NIP Owner IV, LLC. (applicant/owner)— Review for acceptance and consideration of a waiver of full site plan review for loading area improvements. The parcel is located on 59 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2E, Lot 006.

Tim Thompson said the parcel is part of the larger former Nashua Corp. building in the back. Nine more loading docks and associated site improvements on the westerly face of the existing warehouse/office facility are proposed for future use and to improve marketability. A good portion of the building is currently vacant.

Earle Blatchford, Senior Project Manager, Hayner/Swanson, Inc., said what is being proposed at this meeting represents ½ acre out of the 41-acre site. There is a 200' x 100' grass panel where the improvements would go and a retaining wall because of the grade difference. The trailer loading gear would be on reinforced concrete pavement and 150' of the area would be composed of heavy-duty bituminous pavement. The total proposed area of disturbance is 19,000 square feet, which would be mitigated by catch basins leading to an underground infiltration system designed up to a 50-year storm. All rainwater would be infiltrated away from the edge of pavement. There would be a high emergency connection for a greater than 50-year storm. Neither the Merrimack Conservation Commission (MCC) nor the Lower Merrimack River Advisory Committee had issues with the plan. The latter stated that storm water infiltration is a benefit. Disturbed areas would be loamed and seeded.

Tim Thompson reported that CLD's peer review listed only housekeeping items. The two requested waivers (outside engineering review and landscape plans) could be made part of the full site review waiver.

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 7-0-0 to accept the application for review, on a motion made by Lynn Christensen and seconded by Desirea Falt.

Alastair Millns cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 7-0-0 to waive full site plan review and include two other requested waivers, on a motion made by Alastair Millns and seconded by Desirea Falt.

There was no public comment.

Earle Blatchford said 22 parking spaces would be removed. Parking on site is underutilized. There is ample room for large trailers to get in and out. Parking calculations are based on current use if the site is fully occupied. There is additional parking to the north that could be striped to add 30-40 more spaces, depending on the tenant. Tim Thompson said departments would review the plan, including parking. If it is inadequate, the applicant must ask for a waiver. This is an opportunity to market the property for future tenants. There would be no building or remodeling until there is a tenant.

The Board voted 7-0-0 to grant final approval, subject to the following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made by Alastair Millns and seconded by Nelson Disco.

1. Final plans to be signed by all property owners;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. The waiver of full site plan review shall be noted and fully described on the final plan (noting that it included the waiver for landscape plans);
4. The applicant shall address any forthcoming comments from municipal departments/ boards/committees as applicable;
5. The applicant shall address forthcoming comments from CLD;
6. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall update Note 7, Sheet 1 to note “26,000 SF” for office space rather than “26,00”;
 - b. The Site Plan, Sheet 3 depicts a proposed retaining wall and notes “See structural plans for design details.” A design detail should be included on the detail sheets;
 - c. In addition to Sheet 1, a signature block should be included on the cover sheet and Sheet 3 – Site Plan that includes signature lines for the Planning Board Chair and Vice Chair.

5. Discussion of 2013 Master Plan implementation

Tim Thompson presented an overview of the existing mixed-use section of the Zoning Ordinance, including where it is allowed, permitted uses, submission and dimensional requirements. There are 11 criteria for granting a Conditional Use Permit (CUP). He asked the Board to consider whether to expand to zoning districts beyond I-1 Industrial, eliminate the 50-acre lot size requirement, eliminate limiting the district to the State-maintained portions of D.W. Highway, and to vary the criteria depending on location and new construction vs. redevelopment. Although a CUP is allowed on four properties, only one would ever be used, although the Master Plan advocates mixed use.

Lynn Christensen asked what area would bring more business. Tim Thompson replied that Southern New Hampshire's key issue is retention of younger workers for economic development. A diverse housing stock and new options, such as apartments, town houses and rentals, are needed.

Lynn Christensen emphasized that workforce housing is not subsidized or meant for low income tenants. Tim Thompson cited RSA 674:58 stating a house cannot be a cost of more than 100% of the area's median income for a family of four, or approximately \$250,000-\$300,000, and rentals cannot be a cost of more than 60% for a family of three, or approximately \$1,200-\$1,400 a month. Nelson Disco said Merrimack is unique in having industrial land accessible to water, sewer and railroad. He noted a potential conflict between industrial and residential zoning. More commercial space is available than is wanted. Tim Thompson said buildout of a commercial area beyond the parcel being considered for mixed use could be part of a mixed use general area (for example, near the former Merrimack Hotel) rather than zoning an area as exclusively commercial.

Chairman Best noted that available industrial land in the Nashua region is almost all in Merrimack. More modern industrial uses do not have odors, noise, traffic, etc. Mixed use, namely a walkable community and workforce housing mix, is known as vertical integration. He fully supports small or no lot size requirements and de-emphasizing driveways and automobile access. Chairman Best agreed with Tim Thompson's suggestion to eliminate the criterion that mixed use be only in I-1 Industrial zone and to allow it as a stand-alone use. Alastair Millns wanted to eliminate the criterion that it be only the State portion of D.W. Highway. Chairman Best encouraged developing parcels closer to the Town Center. Tim Thompson wanted the Planning Board to decide which areas could be designated for mixed use. Chairman Best suggested the walk score could help determine where to locate mixed use.

6. Discussion/possible action regarding other items of concern

Nelson Disco will make a presentation on sidewalks at the May 2 meeting and Tim Thompson will continue the mixed use discussion at the June 6 meeting.

Tim Thompson announced the search for a part-time secretary to replace Amy Casparius, who has found full-time employment elsewhere.

Chairman Best informed the Board that he nominated Tim Thompson for Rotary's award for "excellence in the workplace", saying that he seeks solutions rather than

barriers and obstacles. Lynn Christensen added that the State now considers Merrimack to be a model rather than an issue.

7. Approval of Minutes – March 7, 2017

The minutes of March 7, 2017, were approved, with changes, by a vote of 7-0-0, on a motion made by Lynn Christensen and seconded by Nelson Disco.

8. Adjourn

The meeting was adjourned at 8:20 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.