



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY, AUGUST 20, 2019

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

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

Staff present: Planning and Zoning Administrator Robert Price and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:03 p.m. and designated Nelson Disco to a voting position for Lynn Christensen.

2. Planning & Zoning Administrator's Report

The Planning Board presented Recording Secretary Zina Jordan with flowers as a special recognition upon her retirement. They praised her accurate and detailed minutes that were a great help over her almost 16 years of service.

The Board voted 4-0-0 to determine that OVP Management condominium conversion and RH Cars site plan are not of regional impact, on a motion made by Alastair Millns and seconded by Bill Boyd.

3. 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, 2019 Planning Board meeting.

Peer review awaits a revised plan from the applicant's engineer. Eversource made some additional requests since they have a powerline easement running through the property that the applicant cannot complete in time for this meeting.

At the applicant's request, the Board voted 4-0-0 to continue this item to September 17, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Bill Boyd and seconded by Alastair Millns.

- 4. Hoyle, Tanner & Associates, Inc. (applicant) and OVP Management, Inc. (owner)** – Continued review for consideration of final approval for a site plan to construct 40 multi-family residential units. The parcel is located at 360 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing and Planned Residential Development Overlay Districts. Tax Map 4D-3, Lot 001. Case # PB2019-22. **This item is continued from the July 2, and July 16, 2019, Planning Board meetings.**

The applicant needs additional time to address peer engineering and municipal department review comments about the site plan application.

At the applicant's request, the Board voted 3-0-1 to continue this item to September 17, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Bill Boyd. Robert Best abstained.

- 5. Sulloway & Hollis, PLLC (applicant) and OVP Management, Inc. (owner)** – Review for acceptance and consideration of final approval of condominium conversion. The parcel is located at 360 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Elderly Housing and Planned Residential Development Overlay Districts. Tax Map 4D-3, Lot 001. Case # PB2019-29.

At the applicant's request, the Board voted 3-0-1 to continue this item to September 17, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Bill Boyd and seconded by Alastair Millns. Robert Best abstained.

- 7. RH Cars, LLC, (applicant) and Sunnyside Real Estate Holdings, LLC (owner)** – Review for acceptance and consideration of final approval for a site plan to construct a paved car sales lot where the existing area is gravel. The parcel is located at 113 Daniel Webster Highway in the I-1 (Industrial), and Aquifer Conservation Districts. Tax Map 2D, Lot 018-1. Case #PB2019-28.

This agenda item was discussed before agenda item #6.

The applicant is proposing to install a paved parking area for the purpose of additional automobile display and sales.

Nate Chamberlain, Engineer, Fieldstone Land Consultants, PLLC, said there is currently a car sales office, five bays to service vehicles for sale, and 10 parking spaces that are not striped. The applicant wants to pave the existing gravel area used for storage because it gets muddy in winter. That would create 83 vehicle display spaces. The parking calculation results in a large number of required spaces, so the applicant would seek a parking waiver and prefers not to stripe the display area. The edge of the parking area would be pushed back to meet the 20' setback requirement from DW Highway. Storm water mitigation is proposed with two catch basins connected to a leach pipe and level spreader that would drain toward the river as the drainage does

now. Eversource placed floodlights that point toward the property at the corners in 2010.

Robert Price said that drainage review comments are expected from the Town's peer engineering review consultant by the end of the week.

Nelson Disco wanted the applicant to prepare lighting and landscaping plans.

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

Chairman Best would consider a parking waiver because there would be more parking than is necessary, whereas now there is not enough. He also wanted a lighting plan for safety and security as well as a landscape plan and peer review comments on the proposed drainage plan. The applicant must ensure that there would be no runoff on to the abutting properties and no leaks from automobiles.

Robert Price explained that there would be cross-easements for movement between the two lots. Chairman Best wanted legal advice, since there cannot be an easement over one's own property. Robert Price explained that the previous subdivision of the property established that the NH Department of Transportation (DOT) would permit only one driveway access between the two parcels.

Robert Price explained that the Town-owned property in the rear and the heavily-wooded property on the south do not require a landscaped buffer. He does not know the use of the property to the north and as a result, whether landscaping is necessary there. Bill Boyd also wanted a lighting plan for safety, but said landscaping is onerous and an imposition. It would stick out and not blend in. Chairman Best wanted to make the streetscape presentable.

Nelson Disco said that the floodlights shine onto D.W. Highway and into drivers' eyes. They are too high and must be fixed. Lights should shine lower down toward the display area and the frontage of the new lot should be landscaped. The plan should show that the parcel is not served by Merrimack Village District (MVD) water. The applicant has not yet met with the Merrimack Conservation Commission (MCC).

Chairman Best said that, if customer & employee parking spaces are specifically delineated, there would be no need to stripe the display area.

There was no public comment.

The Board voted 4-0-0 to continue this item to September 17, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco.

6. John Flatley Company (applicant) & Gilbert Crossing, LLC & John J. Flatley (owners) – Review for consideration of an amendment to a previously approved

Mixed Use Development Conditional Use Permit. The parcels are located at 645, 673, 685, 703, and 707 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05, and 003-06. Case #PB2019-27.

This agenda item was discussed after agenda item #7.

Robert Best noted that his recusal from discussion of this item would leave the Board without a quorum, meaning the item will have to be continued. Kevin Walker, Project Manager, John Flatley Company, said the fiscal impact report was revised but not formalized. That involves a discussion about the fifth apartment building. Based on those two issues, he would have asked for a continuance anyway.

The Board voted 3-0-1 to continue this item to September 3, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Bill Boyd. Robert Best abstained.

8. Discussion/possible action regarding other items of concern

Bill Boyd apologized to those residents who came to the meeting to discuss Flatley's Conditional Use Permit amendment.

Robert Price informed that Planning Board that the Community Development Department would register and pay for their attendance at the October 2019 NH Municipal Association's Land Use Law Conference.

Bill Boyd wished Recording Secretary Zina Jordan well. Chairman Best suggested that Town Council honor her for her service.

9. Approval of Minutes - August 6, 2019

The minutes of August 6, 2019, were approved as submitted, by a vote of 4-0-0, on a motion made by Bill Boyd and seconded by Alastair Millns.

10. Adjourn

The meeting was adjourned at 7:51 p.m., by a vote of 4-0-0, on a motion made by Bill Boyd and seconded by Alastair Millns.