



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, AUGUST 7, 2018

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Neil Anketell, and Alternate Nelson Disco.

Planning Board members absent: Michael Redding and Dan Ricker.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m. and designated Nelson Disco to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

Tim Thompson explained that Student Transportation of America buses are temporarily parked at the high school because their lease on Star Drive has expired and the site work for its facility on D.W. Highway may not be finished in time to get a Certificate of Occupancy. Staff requests Planning Board approval to allow Student Transportation of America to post a financial surety to cover any unfinished site work (including the as-built plan), and allow for staff to sign off on a Certificate of Occupancy, which would allow for buses to be brought to the site prior to the start of the school year.

Chairman Best noted that the site is almost finished and there are no safety issues.

The Board voted 6-0-0 to allow Student Transportation of America to post a financial surety to cover any unfinished site work (including the as-built plan), and allow for staff to sign off on a Certificate of Occupancy, which would allow for buses to be brought to the site prior to the start of the school year, on a motion made by Alastair Millns and seconded by Nelson Disco.

Tim Thompson said at the Mi-Box site at 14 Continental Boulevard, the approved plan calls for a 14' section of sidewalk in the right-of-way. The Public Works Department (PWD) asks that Community Development waive the requirement to construct a sidewalk there. The strip is very short, there are no other sidewalks in the vicinity and there is not enough space for a grass buffer between the roadway and the sidewalk. A sidewalk would be a hazard for plows that would not know/expect it is there.

The Board voted 6-0-0 to allow the Mi-Box site on Continental Boulevard relief from constructing a short segment of sidewalk in the right-of-way, on a motion made by Nelson Disco and seconded by Alastair Millns.

PWD asks the Planning Board to support a TAP grant application that would replace the previous grant and to make sidewalk improvements at Woodbury Street and Baboosic Lake Road as a separate grant project. The Town would be required to provide 20% of the funding if the grant is successful.

The Board voted 6-0-0 to authorize the Planning Board chairman to sign a letter of support for the Town's TAP grant application (Woodbury Street and Baboosic Lake Road sidewalk improvements), on a motion made by Alastair Millns and seconded by Lynn Christensen.

Chairman Best said that the Board had received packets of meeting material for the June 2, 2018, meeting electronically and on the web. Tim Thompson said the reception was mixed; some members prefer paper packets. Tim Thompson stated that while the topic probably deserves more discussion, the Planning Board could receive a hard copy of plans and all other materials electronically. Applications should be submitted electronically. The Board agreed to discuss this at a future meeting.

3. NeighborWorks Southern NH and The Granite YMCA (applicant/owner) —
Continued Review for consideration of a site plan to construct a 45 unit multi-family development. The parcels are located at 315 Daniel Webster Highway in the R-4 (Residential) and Aquifer Conservation Districts and portions of the 100 and 500 year Flood Hazard Areas. Tax Map 4D-4, Lots 043-01 and 043. **This item is continued from the July 17, 2018 Planning Board meeting.**

Tim Thompson said the applicant submitted revised plans on July 31, 2018, after peer review. Most comments were satisfactorily addressed. There were two primary issues raised by the Board, PWD, and the Fire Department at the previous hearing: the grading of Angelo Drive approaching the project and the addition of a secondary, gated emergency access way to D.W. Highway. PWD and the Fire Department have reviewed the revised plans and are supportive of the proposed modifications.

Kevin Anderson, Meridian Land Services, Inc., summarized that had taken place since the previous hearing. He met with Fire Marshal John Manuele to review several design options and came to agreement on emergency access to D.W. Highway. Site distance was evaluated and the grade to Angelo Drive was adjusted. Access to the sewer easement would be extended and a turnaround for fire trucks would be provided. Kevin Anderson explained the Angelo Drive grading. A 16'-wide gravel access road to D.W. Highway would be increased to 20'-wide and paved with a gate at both ends.

Chairman Best stated that he would be satisfied if PWD and the Fire Department were.

Kevin Anderson showed a location where future parking could potentially be constructed, if needed. The cul-de-sac would be converted to a hammerhead.

Tim Thompson suggested making future parking a supplemental piece for the file rather than part of the final construction plan. The parking waiver granted by the Board at the previous meeting means the applicant is not obligated to show additional parking; it should be separate from the main plan set.

Kevin Anderson said if the additional parking became necessary, a drainage design would be needed for the increased impervious area, though he is certain that the site could handle additional runoff if the additional parking was determined to be needed.

Kevin Anderson said emergency access gates would be placed completely off the road, as the Fire Department requested, although someone could mistake it for a driveway. Chairman Best suggested asking whether the Fire Department would allow a gate closer to D.W. Highway. Alastair Millns suggested a sign saying, “emergency/fire access only” or “no turnaround”. Kevin Anderson will seek clarification from the Fire Department about the width of the emergency road and shoulders. The gate and the new road would be placed on the plan.

Jennifer Vadney, NeighborWorks Southern NH, said there would be picnic tables and garden boxes in the recreation area.

Kevin Anderson showed how the buildings would look. Tim Thompson noted that he is not required to include them in the plan set.

Public comment

Brandon Arp, 329 D.W. Highway, who abuts the proposed access road, asked how close it would be to his property line and how the land would be graded. Chairman Best explained that there is no setback requirement. Kevin Anderson said the road would be 20’ from the Arp property line. There would be a gentle 3%-4% grade, particularly adjacent to D.W. Highway. The 3:1 slopes would be filled 10’ from D.W. Highway. The Fire Department required a 20’ rather than a 16’ width.

Discussion ensued on whether to show future parking on the final plan. Tim Thompson read the section of the regulation dealing with requests for future parking. Drainage would be additional work to meet the standard for future parking that the Community Development Department would have to approve. (See Condition #4)

The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen.

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant’s expense, by the Town’s Legal Counsel;
4. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable. Additionally, the applicant shall provide a supplemental plan sheet indicating where future parking spaces could potentially be constructed if deemed necessary (the applicant is not required to provide full design/drainage information for this supplemental sheet);

5. The applicant shall address any remaining comments from the town's peer review consultant, CLD/Fuss & O'Neill, as applicable;
6. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
7. The applicant shall address the following comments from the Public Works Department:
 - a. A drainage certification shall be put on the plans as specified in section 4.16 (c);
 - b. As per section 4.18(a) Right of Way Work - monuments shall be set at all street intersections. This includes along Angelo Drive, Willow Lane and Daniel Webster Highway;
 - c. The statement under Section 7.05.D.16 should be added to the plans;
 - d. A note shall be added to the plan stating that on- site drainage shall be the responsibility of the owner. A long term inspection and maintenance plan shall be provided at the time of the Pre-Construction meeting. Every year Semi-annual or Annual reports shall be submitted to the Town of Merrimack Community Development as required;
 - e. Sheet 11 of 14 Street Sign Detail does not need to have the 5" space left on the left side since the street will not become a Town Road and will remain the responsibility of the Association or owner(s);
 - f. The sewer manhole near the corner of Lots 4D-4-57 and 4D-4-54 does not appear to be with in the sewer easement. The easement should be adjusted to add this manhole;
 - g. An access drive and easement should be provided from Angelo Drive down to the Sewer Interceptor Easement with a turnaround area. This area could be used for the cross country sewer access and for a snow plow turn around area;
 - h. Per the Typical Roadway Cross Section II specifies a cape cod berm with a 3 foot grass panel before the 5 foot wide sidewalk. Along Angelo Drive and Daniel Webster Highway there needs to be a cape cod berm proposed and a 3 foot grass panel or a vertical granite curb and the 5 foot wide sidewalk without the grass panel;
 - i. A sight distance plan/profile from both Angelo Drive and the Emergency Access Drive needs to be prepared. A 400 foot line of sight will be required at both of these entrances. The slope to the south of the emergency access should be at a slope to allow for regular mowing to keep the line of sight;
 - j. There should be 2 gates on the Emergency Access Easement one near the top and the other near the end of the driveway. There shall be no parking along the access easement. Appropriate signs should be added along the easement;

- k. Grading for the first 100 feet of Angelo Drive should remain to provide the largest platform as possible for vehicles exiting onto Daniel Webster Highway;
 - l. A Drainage and Access Easement should be given to the Town to maintain the Drainage coming from offsite. The Easement is to be recorded in the Hillsborough County Registry of Deeds and recorded on the plans;
 - m. In order to treat the runoff coming from offsite, the Applicant shall coordinate with Public Works to see if the Town could be given an easement to construct a future drainage treatment area east of Lots 4D-4-52 and Lot 4-4 51 between the existing sewer easements;
 - n. The private fence line shown along Angelo Drive should be placed outside the Right of Way;
8. The applicant shall address the following comments from the Fire Department:
- a. The Town of Merrimack, Department of Fire Rescue, Office of the Fire Marshal requires (NFPA 1 Chapter 18) that fire department access roads be constructed and maintained so that fire apparatus can effectively operate during an emergency. The location of the access road(s) must provide for positioning of the fire apparatus to allow access to all sides of the structure. Unique building or occupancy conditions may trigger additional requirements from the Office of the Fire Marshal. While the Merrimack Fire Department would prefer a direct connection to Island Drive by either a through street or gated access road, the proposed access road to Daniel Webster Highway is acceptable under the following conditions:
 - i. The proposed access road shall be 20 feet wide, fully paved and capable of supporting the weight of fire apparatus in all weather conditions;
 - ii. The proposed access road shall be maintained at all times, including the timely removal of snow from the entire length of the road;
 - iii. The developer shall purchase and install a Supra key lock box at each gate in a location approved by the Merrimack Fire Marshal. The keys for the lock at each gate shall then be placed within this lock box. Information on the approved lock boxes can be obtained from the Merrimack Fire Marshal;
 - iv. The entrance and exit to the access road shall be constructed so that they are level with Daniel Webster Highway and Angelo Drive and that fire apparatus is not required to climb a curb;
 - b. Fire Department water supply (pressurized hydrants) are required. In keeping with the compliance of state fire codes, NFPA codes and continued practices with other subdivisions and residential complexes within the community the installation of Fire Hydrants on a minimum of an eight inch water main will be required with Fire Hydrants located every 500 feet along all roadways and no more than 250 feet to a driveway as calculated along the newly extended road(s) starting at the nearest hydrant located on Daniel Webster Highway. The plans show 1 hydrant at a point approximately 350 feet from the

- intersection of Angelo Drive and Daniel Webster Highway, and a second one at the end of the cul-de-sac. As the nearest hydrant on Daniel Webster Highway is located on the opposite side (west) of the road another hydrant shall be placed at the beginning of the existing Angelo Drive, and the hydrant at the end of the cul-de-sac shall instead be placed at a point south of the proposed access road. Final drawings showing the locations of the fire hydrants must be submitted to the Fire Marshal's Office for approval;
9. The applicant shall address any forthcoming comments from the Police Department, as applicable;
 10. The applicant shall address the following comments from the Wastewater Department:
 - a. Sheet 5/SP-3: It appears a lawn/grass area is intended for the sewer easement behind buildings 1-6. This can only be done if they use a "grass pave" type block construction within the lawn capable of supporting the weight of the cleaning equipment required to maintain the sewerage system. Otherwise it must meet Sanitary Sewer Construction Standards with a gravel road access;
 - b. Sheet 6/P-1: Provide slope and length of pipes
 - c. Sheet 13: Note which states "All materials and installation procedures shall conform with NHDES and Town of Merrimack Construction Specifications " should end in the phrase "whichever is more restrictive"
 11. The applicant shall address any forthcoming comments from Merrimack Village District related to needed site plan revisions (and not covered by proposed General & Subsequent Condition #5), as applicable;
 12. The applicant shall address the following Planning Staff Technical Comments:
 - a. Please address the following on Sheet 1:
 - i. The Applicant shall revise the Sheet Index, adding appropriate sheet names for the Lot Line Adjustment plans (or, alternatively, removing the Lot Line Adjustment from the index and instead adding them as a plan reference);
 - ii. The Applicant shall revise Note 1 under " Site Plan Notes," removing the word "Private" and creating a new note stating that "All roads and infrastructure within the subject property are to remain private";
 - iii. The Applicant shall revise Note 12 under "Site Plan Notes," adding the number of parking spaces proposed, and referencing the waiver granted by the Planning Board on July 17 to reduce the required number of spaces;
 - iv. The Applicant shall revise Note 13 under "Site Plan Notes," clarifying that water is to be provided by Merrimack Village District;

- v. The Applicant shall revise Note A under “Additional Permits, Standards and Review Required” to remove reference to Island Drive (this appears to be a remnant of the prior project proposed for this site in 2013);
- vi. The Applicant shall revise Note B under “Additional Permits, Standards and Review Required” to read as follows: “This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Merrimack Town Code). A pre-construction meeting with the Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of earth disturbance”;
- vii. The Applicant shall revise Note F under “Additional Permits, Standards and Review Required” to note that the variance was granted by the Zoning Board of Adjustment, not the Planning Board;
- b. Address the following on Sheet 2 (EC-1): The Applicant shall remove the words “MultiFamily Zone” from Note 3;
- c. Address the following on Sheet 3 (SP-1):
 - i. Provide appropriate notes which detail the proposed uses within the “Community Rec Area” indicated to the north of Building 6 and the cul-de-sac;
 - ii. This sheet (in addition to several other sheets) appear to indicate a proposed split rail fence along the southerly property line (abutting Angelo Dr) which extends into the DW Highway right-of -way. The applicant shall either obtain permission from the Public Works Department to permit this fence within the right-of-way (and add appropriate notes to the plan), or revise the fence (on all applicable sheets) removing any intrusion into the public right-of-way;
- d. Address the following on Sheets 7-9 (LS-1, LS-2, & LS- 3):
 - i. The applicant has not provided any notes or a graphical representation of the required landscape buffers as required by Section 10 of the regulations. Provide appropriate notes indicating the applicable buffer category and how the buffer requirements are met;
 - ii. The plantings shown in the plan view of Sheet LS-1 are not labeled to indicate the species as indicated in the Plant List. Staff notes that there are labels for the plantings on Sheets LS-2 and LS -3. Note on Sheet LS-1 that the specific planting locations for those plants listed are on Sheets LS- 2 and LS- 3;
- e. The applicant shall revise the Planning Board signature block to include the “Chair” and “Vice Chair” as per the Board’s current structure the position of Secretary was renamed Vice Chair in June 2017. Additionally, a signature block needs to be added to the site plan sheet intended for recording at the Hillsborough County Registry of Deeds. (In addition, be aware of Registry

recording requirements and avoid lines through text and any other line work conflicts that could prevent Registry acceptance of the plan.)

The following general and subsequent conditions are also placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
 2. The applicant shall submit an As- Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of the final Certificate of Occupancy;
 3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
 4. The applicant shall address the following comments from the Wastewater Division:
 - a. Sewer connection permits will be issued for the new buildings individually and must be applied and paid for prior to construction of said building(s);
 - b. A flow allocation permit will be issued from the Town of Merrimack Wastewater Department prior to approval of said plans based on the flow to be provided by engineer;
 5. The applicant shall address any applicable comments from Merrimack Village District related to by-law compliance, ownership/maintenance of water infrastructure requirements, or any other comments deemed to be general and subsequent to this approval;
 6. The applicant shall address any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable;
 7. As this proposal is for new multi-tenant residential buildings all buildings shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued;
 8. The buildings shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to the Fire Marshal's office for review and approval before a permit can be issued
 9. The applicant shall address any forthcoming comments from the Fire Department, as related to building addressing.
- 4. Synergy Self Storage, LLC. (applicant/owner) —** Review for acceptance and consideration of a site plan review for modifications to the previously approved site

plan regarding access and parking. The parcel is located at 403 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation and Elderly Housing Overlay Districts. A portion of the parcel is subject to the Flood Hazard Conservation District. Tax Map 4D-3, Lot 084-01.

Tim Thompson explained that, in March 2018, the Planning Board found the application to be incomplete and required a fully engineered site plan that showed drainage information, resolved the existing encroachment into the abutting lot, addressed the parking issues on site where there should be no parking, and to discontinue referring to the access road extending to Wright Avenue as an emergency access road. The applicant now has an engineered site plan that aims to correct these deficiencies. “No Parking” signs and paint markings have been added along the driveway on the northerly side of the building and the encroachment onto the abutting property is proposed for removal. Parking in the area of the encroachment has been reconfigured into parallel spaces. The access road area is now designated as outdoor vehicular storage, which is a permitted accessory use for the self-storage facility. There has been no peer review and some sheets needed for full site plan review are missing. Staff recommends continuance.

Doug Maguire, Dubai Group, has no issue with staff comments and requests a continuance.

Chairman Best approved the changes but noted the plan revealed a second encroachment, this one onto 405 D.W. Highway. He wanted the overlap onto that property removed. Doug Maguire said discussion is ongoing about getting an easement for this minor encroachment. The neighbor to the east is amenable to a drainage easement. Doug Maguire will submit a detailed grading and utility plan and drainage analysis.

Joel Sikkila, Synergy Self Storage, LLC, said that Eversource has flood lights on each utility pole. Chairman Best instructed him to be sure that no light spills over onto the neighbor’s land. The drainage plans should be peer-reviewed. Doug Maguire said that minor drainage improvements were already constructed. Tim Thompson informed the Planning Board that it could limit the peer review solely to drainage. Chairman Best noted that there is a drainage concern with neighbors on both sides.

Doug Maguire stated that the applicant would get a permit to connect Wright Ave with a one-way gated access for egress only for RV self-storage only. The applicant seeks a waiver from the requirement for a 25’ radius on the east. Chairman Best would be agreeable only if PWD says it is not a safety concern.

Chairman Best cautioned against leaks from stored vehicles. Joel Sikkila said that is part of the lease agreement and there are daily inspections. Chairman Best instructed the applicant to list vehicles acceptable for storage on the plan.

Based on the information available staff recommends that the Board continue this item in order to address the review comments from departments and peer review.

At the applicant’s request, the Board voted 6-0-0 to continue the acceptance and the public hearing to September 18, 2018, at 7:00 p.m., in the Matthew Thornton

Meeting Room, on a motion made by Lynn Christensen and seconded by Nelson Disco.

5. Discussion/possible action regarding other items of concern

- Continued Discussion of NH Municipal Association Services and recommendations to the Town Council for 2019/2020 Town Budget

Lynn Christensen noted that Merrimack is, to her knowledge, the only town that is not a member of the Association. Although Merrimack does not always need the expertise that is valuable for small towns with no staff, the Association provides significant training for other valuable things, such as land use, planning, zoning, elections, roads, library, municipal government, legislative updates, law lectures, and lobbying for municipalities. In her opinion, these are valuable benefits that are worth the \$25,000 expense. Tim Thompson added that Association services are available to staff and all boards. Merrimack used to be a member, but discontinued its membership several years ago.

The Board voted 5-0-1 to send a memo to the Town Manager and Town Council requesting that the Council consider rejoining the NH Municipal Association, on a motion made by Lynn Christensen and seconded by Nelson Disco. Tom Koenig abstained.

Alastair Millns counted 21 banner signs in town and suggested that the Planning Board decide whether to uphold the Sign Ordinance and send warning letters. Tim Thompson said he cannot enforce the Ordinance until he receives a written Service Request, which Alastair Millns volunteered to do.

Neil Anketell noted stacks of containers all around the Mi-Box building on Continental Boulevard. Tim Thompson explained that Mi-Box is allowed to use extra spaces as storage. Many containers should be moved when the headquarters moves to Herrick Street.

6. Approval of Minutes — July 17, 2018

The minutes of July 17, 2018, were approved as distributed, by a vote of 5-0-1, on a motion made by Lynn Christensen and seconded by Alastair Millns. Neil Anketell abstained.

7. Adjourn

The meeting was adjourned at 8:25 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.