



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD VIRTUAL MEETING APPROVED MINUTES TUESDAY, FEBRUARY 16, 2021 7:00 P.M.

Due to the COVID-19 crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Planning Board is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV and the Merrimack TV webpage (<http://www.merrimacktv.com>). Telephone access was available for members of the public wishing to speak during the Public Hearing or provide public comment. Also identified on the agenda was the opportunity for general public comment to be submitted leading up to the start of the meeting via email to CommDev@MerrimackNH.Gov.

Members of the Board and Town Staff were participating via Zoom. In accordance with RSA 91-A: 2 III, each member of the Board was asked to state, for the record, where they were, and who, if anyone was with them.

1. Call to Order

Robert Best called the virtual meeting to order at 7:03 p.m. and read the procedures & processes for the virtual meeting. He appointed Nelson Disco to a voting position.

Roll Call:

- Robert Best (Chair) stated he was present at home and alone in the room he was in.
- Alastair Millns (Vice Chair) stated he was present at home and alone in the room he was in.
- Neil Anketell stated he was present at home and alone in the room he was in.
- Councilor Bill Boyd (Ex-Officio) stated he was present at home and alone in the room he was in.
- Nelson Disco (Alternate) stated he was present at home and alone in the room he was in.

Members Absent: Paul McLaughlin & Lynn Christensen

Planning and Zoning Administrator, Robert Price was attending from his office in Merrimack Town Hall and Assistant Planner, Casey Wolfe was attending from home. Both staff members were alone.

2. Planning & Zoning Administrator's Report

The Board voted 5-0-0 by roll call vote to determine that the Kodiak Vet site plan application is not of regional impact, on a motion made by Bill Boyd and seconded by Nelson Disco.

- ### **3. Ron Dupont (applicant) and Streif, LLC (owner) - Continued Review for consideration of a Site Plan to construct a 2,950 square foot mixed use (professional office and 3 studio**

apartments) building. The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 099. Case # PB2021-02. **This item is continued from the January 5, 2021 and the postponed February 2, 2021 Planning Board meetings.**

Robert Price began by reviewing three outstanding questions from the previous meeting, the first of which was regarding signage for the site. Mr. Price advised the Board that signage does not need to be determined during the site plan approval process and will be vetted out by staff when the applicant submits a sign permit. The last two items Mr. Price reviewed were regarding trees and drainage on the property. At the previous meeting the addition of trees at the top of the slope were discussed as was the drainage on East Chamberlain Road and neither of these issues have been addressed in revised plans.

Matt Peterson, (Keach-Nordstrom Associates) presented the project on behalf of the applicant. Mr. Peterson shared the site plan and walked through the issues that were raised by Mr. Price as well as several others that he had made note of at the last meeting. He displayed an architectural rendering of the building and shared that the front of the building is 35 feet in height and the back is 30 feet. He then discussed the trees on the slope and advised that they plan on using 6 arborvitaes on the flattest part of the slope and that a note regarding irrigation was added to the landscaping plan. He also explained that the landscaping in the front of the property was not changed as discussed but they will alter it if necessary during construction at the recommendations of DPW. They will also work with DPW on any drainage issues on East Chamberlain Road. He then briefly touched base on signage, indicating that tenants have not been determined yet so he will work with staff on the sign permits when the time comes.

Nelson Disco asked if the setbacks are being met because from the renderings, it looks as if the awning may encroach into the setback, noting this issue was previously discussed. He also mentioned that one of the benefits of the trees on the slope was to help with the wind and suggested that taller trees be planted to achieve that goal. Mr. Peterson addressed the setbacks first and indicated that the awning does encroach and they will apply to amend their variance to account for this when/if the Planning Board approvals are granted. Chairman Best asked Mr. Price for confirmation that an awning does count as a structure and he confirmed that anything affixed to the building must meet the setback requirements. As for the trees on the slope, Mr. Peterson said that they would be happy to plant some that are taller but the general consensus of the Board was that six trees would not do much to mitigate the wind so the ones they have proposed are fine.

Alastair Millns expressed concerns with the proposed trees along Daniel Webster Highway stating he is concerned they may hinder the sight of the drivers turning onto DW Highway from East Chamberlain Road. Chairman Best stated that they discussed it at the last meeting and that there is at least a car length in space between where the trees are and the entrance to East Chamberlain Road so he does not foresee an issue with sight distance. Mr. Peterson and the Board reviewed the intersection and sight distance and came to the conclusion that they do not expect there to be any problems.

Councilor Boyd stated that he would like the Board to add a condition of approval regarding the drainage on East Chamberlain specifically that the applicant needs to work with DPW to remediate any drainage issues that exist. Chairman Best stated that the Town Engineer has already indicated to Robert Price that she is unaware of any drainage issues on that road but it cannot hurt to add it as a condition.

Mr. Price advised the Board that the applicant is seeking an additional waiver from the section of the parking regulations that requires a loading space. Chairman Best asked for clarification on if the loading space is for goods or people and Mr. Price confirmed it is for goods.

There was no public comment.

The Board voted 5-0-0 by roll call vote to grant a waiver from Section 3.11.a.1 of the Site Plan Regulations on a motion made by Bill Boyd and seconded by Nelson Disco.

The Board voted 5-0-0 by roll call vote to grant conditional final approval on a motion made by Alastair Millns and seconded by Neil Anketell. The following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified:

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 address the comments from the town's peer review consultant, Fuss & O'Neill, as applicable.
5. Per the recommendation from the Conservation Commission, plantings must be non-invasive, native species.
6. The applicant shall address any forthcoming comments from the Fire Department, as applicable.
7. The applicant shall address the following comments from the Public Works Department:
 - a. Section 3.02 Monuments: Monuments have been noted as set on the plans, but have not been field verified.
 - b. Section 3.03 Grading: Contour grading and spot grades along the proposed sidewalk have not been provided.
 - c. Section 3.04 Utilities: The applicant should verify if there is a bank of buried communication lines running down Daniel Webster Highway before trenching across the street. All utilities will need to be Dig Safe prior to construction.
 - d. Section 3.05 Water System: The water line is shown as trenching crossing Daniel Webster Highway. It would be preferable to direct bore across the highway verses trenching or another approved method. If an alternative method cannot be found, any trenching will need to be done during night construction. The road may not be shut down; a traffic plan will need to be presented at the pre-construction meeting.
 - e. Section 3.06.a Municipal Sanitary Sewer System: Presently there is a proposed sewer line crossing Daniel Webster Highway. The plans show that there is a parallel

sewer line on the west side of Daniel Webster Highway. This should be utilized verses trenching across the highway.

- f. Section 3.06.a Municipal Sanitary Sewer System: The sewer design is showing a connection into an existing sewer manhole. Details for the connection have not been provided. The slope of the pipe has not been labeled.
 - g. Section 3.06.a Municipal Sanitary Sewer System: Back flow preventer and a cleanout shall be provided and shown on the plans. All sewer components shall be designed in accordance with the Town of Merrimack's Sanitary Sewer Engineering Standards.
 - h. Section 3.07 Storm Drain System: The development shall provide for proper surface drainage and shall not adversely affect the neighboring properties. The Storm Drainage calculations were not reviewed as part of this review. The outfall of the detention shows the out fall directly onto the proposed sidewalk.
 - i. Section 3.08 Driveway Entrance: A note shall be added to the plan that any construction or utility work required within the Town Right of Way will require a Right of Way permit. The Permit shall be obtained from the Merrimack Highway Department prior to beginning any work and prior to obtaining any other building permits.
 - j. Section 3.08 Driveway Entrance: A waiver is being requested for the driveway location being too close to the neighbor's driveway (see Page 2 note 15). The proposed location of the driveway and the building create the least impact to the steep slopes that exist on the lot. In addition, the driveway will be farther away from East Chamberlain that has more daily traffic on it.
 - k. Section 3.08 Driveway Entrance: The driveway entrance shall be graded to conform to the Driveway Standards located in the Subdivision regulations. A driveway entrance detail shall be provided.
 - l. Section 3.08 Driveway Entrance: It is recommended that the tip down and detectable warning device on the north side of East Chamberlain Road be installed so that the sidewalks will be connected within this area.
8. The applicant shall address any forthcoming comments from the Wastewater Department, as applicable.
9. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable.
10. The applicant shall address the following Planning Staff Technical Comments:
- a. Section 4.11.d – Please revise the plan notes to include that the parcel is located within the Elderly Housing Overlay District;
 - b. Section 4.12.c.5 – Update abutting ownership information for:
 - i. Map 4D-3, Lot 35-1;
 - a. ii. Map 5D-4, Lot 95; and

- b. iii. Map 5D-4, Lot 96;
 - c. Section 4.12.c.14 – No wetlands have been shown on the property. If no wetlands are present, please note such.
 - d. Section 4.15 – A set of building renderings were provided separately from the plan set, but these renderings must be included as part of the final plan set.
11. The applicant shall work with the Public Works Department to resolve any outstanding drainage issues on East Chamberlain Road.

The following “General and Subsequent Conditions of Approval” 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 any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable (that are not deemed precedent conditions).
 - 5. The applicant shall address any forthcoming comments from the Fire Department, as related to building fire code compliance, sprinkler systems, building addressing.
- 4. Maria Monsalve (applicant) and Alva Hare (owner) - Review of a Conditional Use Permit under Section 2.02.1.A.2.f of the Zoning Ordinance for a Home Occupation to permit a childcare business. The parcel is located at 33 Bedford Road in the R-1 (Residential, by soils), Aquifer Conservation, and Wellhead Protection Areas. Tax Map 6D, Lot 239. Case # PB2021-04. This item is from the postponed February 2, 2021 Planning Board meeting.**

Alva Hare (property owner) began by explaining that he and his wife recently purchased the property and that the previous owners ran a Dentist’s office from the residence. They are looking to eventually convert the former office portion of the house into a larger daycare but for now, they would like to start small and watch a few children in the house. His wife (Maria) will be running the daycare and is going to get her license with the State to allow her to watch up to six children and as time goes on, they will expand. Chairman Best stated that the Home Occupation regulations allow for up to 500 square feet of the property to be used for a home occupation and asked for an idea of the area of the house that is going to be utilized. Mr. Hare indicated that they will most likely use the living room and/or the great room and offered to submit a floor plan once they decide where they are going to set up but the space is 500 square feet or less. Chairman Best apologized and stated he mis-read the staff memo and the 500 square foot requirement does not apply and the Board just needs to ensure there is sufficient

space. Mr. Hare confirmed that it is a large house and there is sufficient space for the daycare and added that his wife was a licensed daycare provider in Massachusetts.

Chairman Best asked if the pool that is shown on the aerial photo of the house will be part of the daycare. Mr. Hare advised the Board that they did have a contractor fence in the entire pool with four foot fencing right before winter and it will not be used by the daycare children. He also stated that they will be adding playground equipment in the spring when the landscaping can be done as they want to include the rubber mulch around the equipment. He also confirmed that they do not foresee the need for a commercial vehicle and if in the future they grow the business and do purchase one, it would not be more than the one that is allowed. Chairman Best asked if there will be any employees that do not live at the residence and Mr. Hare confirmed that initially there will not be but there is a possibility down the road when/if they grow the business. Chairman Best reviewed the regulations for storage of goods deliveries and signs. Mr. Hare stated that there is a small sign post in the yard from the previous owner that they may use but have not decided. His wife has indicated that she would like to hang a 6x2 foot banner on the house for the first few weeks but it is not something they will leave up too long. Chairman Best explained that the regulations allow for a two square foot sign and that he would need to consult with the Community Development Department for anything additional or larger than two square feet. The business hours were also discussed and Mr. Hare confirmed that drop off will be no earlier than 6:45 AM and pick up will be no later than 6:00 PM. No weekends or long term care.

Nelson Disco asked about the plans for drop-off and pickup and Mr. Hare walked through the layout of the driveway and explained that there is plenty of room for at least five cars to be parked at one time while still allowing a car to be able to leave without cars being moved. He also confirmed that the driveway is wide enough for a car to pass another one but does not foresee that being necessary. He also discussed the three entrances into the house and explained that they have not yet decided on which one will be used because they have not determined which room(s) will be utilized for the daycare. Mr. Price displayed an aerial photo of the house and Mr. Hare walked everyone through the property demonstrating where the entrances are and the approximate location of the living and dining rooms. Neil Anketell agreed that he is concerned with the traffic flow as the driveway does not appear to be large enough for two cars to safely pass each other. Chairman Best reminded the Board that the applicant is only looking to take on up to six children at this time. Mr. Anketell also asked why the Board did not have a plan to look at for this project and Chairman Best explained that this is a Conditional Use Permit and not a Site Plan or Subdivision request. Mr. Price also added that level of detail is not required for a home occupation and when/if they expand the business to more than six children, a site plan will be needed.

Neil Anketell asked where the playground will be located and Mr. Hare indicated that it will be in the back yard surrounded by a nine foot tall fence. Mr. Anketell noted that from the aerial photo, it looks as if the parking is right up against the fence and asked if curbing is going to be added to prevent anyone from driving through the fence. Mr. Hare explained that it is unlikely that would happen because there is also 6-7 feet of yard space that they would have to drive through first in order to drive through the fence. He also added that he would add berms but that would prevent the possibility of opening the gates to allow landscaping trucks to the back of the house. Nelson Disco also commented on the septic system and suggested that when the time comes to expand the business, the owner may need to have the system evaluated to ensure it can handle the additional burden.

There was no public comment.

The Board voted 5-0-0 by roll call vote to grant conditional final approval on a motion made by Bill Boyd and seconded by Alastair Millns. The approval is subject to the following condition:

1. The applicant shall obtain all applicable licenses/ approvals from the State of NH for the childcare use and provide copies of such to the Community Development Department;
5. **Granger Revocable Trust (applicant/owner)** - Review for acceptance and consideration of final approval for a two lot subdivision. The parcel is located at 225 Naticook Road in the R-1 (Residential, by soils) District, Aquifer Conservation, and Wellhead Protection Areas. Tax Map 2B, Lot 034. Case # PB2020-11.

Casey Wolfe provided a brief history of this project by explaining that this subdivision was on a couple of agendas in 2020 but the applicant requested an indefinite continuance in order to attempt to secure a sewer connection with the city of Nashua. Those efforts were unsuccessful so the applicant was instead forced to request a variance from the Zoning Board for frontage for the larger proposed lot, which was recently granted.

Tom Carr (Meridian Land Services) presented the project on behalf of the applicant. He expanded upon the history of the project by explaining that the lot is in the R-4 zone so they assumed the subdivided lot would be as well, however they did not realize there was a moratorium on the sewer line in that area, so they are not able to connect the new lot to public sewer, making it R-1. As previously mentioned, a variance was needed (and since granted) for frontage because the larger proposed lot only has 150 feet and R-1 requires 250. Mr. Carr then shared the subdivision plan and explained that a full survey including wetland delineations was completed because they discovered the land was never surveyed. He also explained that the Granger family has no plans for developing the land at this time but most likely something will come down the road.

Nelson Disco asked if the three access points to other roads (Jay, Curt and Greenleaf actually exist) and Mr. Carr confirmed that they are not developed and are paper streets but they do exist. Mr. Carr also stated that the applicant intends to seek a waiver for sidewalks and the Board determined a waiver would not be necessary.

The Board voted 5-0-0 by roll call vote to accept the application for review on a motion made by Alastair Millns and seconded by Neil Anketell.

Public Comment was received by: Nick Serpa, 20 Joey Road; Patricia Dumont, 26 Joey Road; and Brian Fendell, 28 Joey Road.

Mr. Serpa asked for clarification on where the lot line ends for lot 2B/34 and expressed concerns about drainage changes if/when the new lot is developed because the back of his lot gets flooded now. Mr. Carr explained that the lot ends between lots 50 and 51 on Joey Road. As for the drainage questions, Chairman Best addressed this by explaining that drainage does not come into play for this particular project since the request is for a subdivision. The drainage question should be asked when and if the land is ever developed. Casey Wolfe clarified that this resident is not a direct abutter to the new lot and will therefore not be notified for any projects on that particular lot. The Board discussed the option of requiring additional abutter notification for residents on Joey Road that are not abutters to the new lot. Mr. Price expressed concern for this because the statutory definition of abutter does not allow for such an action prior to the submittal of an application for development. Mr. Serpa also mentioned a concern on increased traffic in the neighborhood and discussed the current problems with flooding when

we get a lot of rain. Chairman Best shared that his experience from being on the Board for ten years is that several houses on a lot that size would not have a measurable impact on drainage.

Patricia Dumont expressed concerns about the wildlife impact if the new lot is developed and asked when it would be an appropriate time to request a buffer between any development and the residents on Joey Road. Chairman Best explained that there is already a significant amount of wetlands on the parcel that will create a natural buffer for the residents because there is a 40 foot building setback from any wetlands. Mr. Carr demonstrated on the plan where the edges of the wetlands are. Chairman Best also explained to Ms. Dumont that there is not a requirement for a buffer in a residential development unless the applicant is proposing a cluster development. He also added that setbacks will need to be met which will ensure no one is building right up to her property line. He also clarified that if the property owner decides to build a single family home on the lot, there will be no further approvals needed from the Planning Board.

Brian Fendell stated the two previous callers expressed some of his concerns but he re-stated some of the previous remarks about drainage, the wildlife impact, access off of Curt Road and increased traffic. Chairman Best conveyed his understanding that the neighbors want to maintain the wildlife in the area but there are not any zoning or planning regulations that prevent the development of the land because it is private property. He also stated that future access through Curt Road is not likely to occur because of the wetlands that are located in that area.

Mr. Carr responded to some of the feedback by explaining that he is an Environmental Scientist and that accessing the property through Curt or Jay Road would be very problematic due to the wetlands. He stated that if there was ever a through road proposed, it would most likely be through Greenleaf. Chairman Best also asked Mr. Carr for his opinion on specifying additional Joey Road abutters for the new lot. Mr. Carr suggested that the abutter requirement could be added to the plan as Surveyors do read the notes on previous plans. Mr. Price indicated that he received feedback from the Community Development Director (Tim Thompson) on the topic and they are both in agreement that staff must adhere to the state law abutter definition. Mr. Carr stated that he agrees with Mr. Price and added that the probability of the lots in question on Joey Road being impacted by any development is very slim. They continued to discuss the options for adding additional abutters and the problems with enforcement. Councilor Boyd suggested adding a copy of the meeting minutes to the file for the subdivided lot and Mr. Price expressed concerns but the Board felt it was the best solution.

The Board voted 5-0-0 by roll call vote to grant conditional final approval on a motion made by Bill Boyd and seconded by Neil Anketell. The following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified:

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 applicable to the project and provide copies to the Community Development Department, as applicable.
3. The applicant shall note any waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel.

5. The applicant shall address the following comments from the Public Works Department as applicable.
 - a. Please add a note to indicate that prior to any work on the site, a Right of Way (ROW) permit from the Highway Division of Public Works will be required. Any driveway changes shall be reviewed and approved by Community Development and the Public Works Administration prior to construction.
 - b. The driveway entrance shall conform to Section 4.13.1 under the Roadway and Utility Standards and shall be noted on the plans. The proposed driveway entrance location shall be shown on the plans (see section 4.17 (c)).
 - c. Section 4.18 (a) monuments shall be set at all street intersections, points of curves and angle points along Naticook Road. The monuments shall be concrete or granite bound markers. These bounds shall be 4 inches square by 4 feet.
 - d. The applicant shall address any forthcoming comments from other municipal departments & boards/commissions, as applicable.
6. The applicant shall address the following Planning Staff Technical Comments:
 - a. Proposed lot 34-1 appears to need a different number as Map 2B, Lot 034-1 already exists (227 Naticook Road).
 - b. Abutter information for both Map 2B, Lot 76 and Map 2B, Lot 49 needs to be revised with the correct owner information (owner names and book & page numbers).
 - c. Revise Note 9, Sheet 1 to read "The Subdivision Regulations of the Town of Merrimack are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications made in writing by the Board or any variances granted by the Zoning Board of Adjustment and attached hereto" per Section 4.06.1.k.
 - d. The applicant shall revise the Planning Board signature block to have lines for "Chair" and "Vice Chair" as per the Board's current structure (the position of Secretary was renamed Vice Chair in June 2017).
 - e. Revise Sheet 1, Note 11 to specify that Merrimack Village District is the public water supplier for the existing lot and proposed lot. Further, revise this note to indicate that proposed lot 34-1 is not permitted to connect to municipal sewer and is proposed to be served by private septic.

The following "General and Subsequent Conditions of Approval" 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 obtain right-of-way permits from the Public Works Department for all new driveways.

3. The applicant shall address the any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable.

10 Henry Clay Drive, LLC (applicant/owner) - Review for consideration of an amendment to a previous approved Site Plan regarding curbing and driveway design. The parcel is located at 10 Henry Clay Drive in the I-1 (Industrial) District. Tax Map 2D, Lot 041-13. Case #PB2021-05.

Robert Price provided a brief history of the project explaining that the applicant received conditional approval in October 2020 and at that time, DPW had cited curbing requirements that were in place at the time. The requirements have since been removed from the updated regulations and the applicant is now seeking to have the conditions removed from his conditional approval.

Chris Guida, (Fieldstone Land Consultants) presented the project on behalf of the applicant and reiterated what Mr. Price had stated about the change in regulations eliminating the need for curbing. He indicated that enforcing the requirement would create a significant hardship for the applicant and requested that condition number three from the October 2020 conditional approval be removed.

Chairman Best indicated that he had a conversation with the Town Engineer on this request and she has no concerns with removing the condition as it was put in place to help with stormwater run-off but the topography of this lot does not pose a concern.

There was no public comment.

The Board voted 5-0-0 by roll call vote to amend the previous conditional approval by removing precedent conditions of approval 3(a) and 3(b) on a motion made by Alastair Millns and seconded by Neil Anketell. The following conditions shall apply and shall be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified:

1. All applicable precedent conditions of approval from the October 21, 2020 Decision Letter shall be addressed prior to final endorsement of the amended site plans;

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

1. All general and subsequent conditions placed on the original site plan conditional approval shall continue to be in place with this amended site plan approval, as applicable.

6. **Kodiak Veterinary Hospital, LLC (applicant) and Karen Roy (owner)** – Review for acceptance and consideration of final approval for a 2,224 s.f. building addition and change of use to a veterinary clinic. The parcel is located at 255 Daniel Webster Highway in the I-1 (Industrial) & Aquifer Conservation Districts. Tax Map 3D-2, Lot 039. Case # PB 2021-06.

Chairman Best referenced the staff memo and indicated that staff expressed concerns with verifying the parking lot lighting is sufficient because a lighting plan was not submitted and suggested that the Board may not be able to accept the application as complete. Mr. Peterson interjected and stated that he has a lighting plan to share that meets the requirements to consider the application complete. He added that it will need to be updated once they know more about the existing conditions of the lighting. Chairman Best thanked Mr. Peterson and asked him to proceed with is presentation.

Matt Peterson (Keach-Nordstrom Associates), Andrew Prolman (Prunier & Prolman), Dennis Barrett (Kodiak Veterinary Hospital Director), and Masuma Barrett, (Kodiak Veterinary Hospital Veterinarian) were all present to discuss the project. Mr. Peterson began by providing an overview of the lot location and layout. He briefly discussed the variance that was granted by the Zoning Board for relief from the front setback and explained that the applicant is now seeking approval for an addition to the existing building. Mr. Peterson shared a picture of the building as it sits today and explained that the plan is to square the building off in the front to create the additional space. In addition to this, they would also like to eliminate six parking spaces that are currently within the Right of Way and verified that the parking requirements will still be met if these spaces are removed. He briefly walked through some of the landscaping plan and shared the locations of two fenced in animal areas for the animals to go to the bathroom. He reiterated that the business is a veterinary hospital and not a Dog Day Care. Mr. Peterson wrapped up his presentation by explaining that he was not going to walk everyone through the drainage plan because it was sent to Fuss & O'Neill for peer review.

The Board voted 5-0-0 by roll call vote to accept the application for review on a motion made by Nelson Disco and seconded by Bill Boyd.

Councilor Boyd spoke in favor of the facility and asked if the hospital plans to be open 24 hours. Attorney Prolman responded that the facility will not be open 24 hours and will operate with normal business hours. Councilor Boyd then asked what plans were in place for animals that need to stay overnight for surgeries. Dennis Barrett explained that the hospital does not have any over-night care so they refer their customers to other facilities when the need arises. Councilor Boyd added that he likes the looks of the architectural renderings and made the suggestion that shutters would really add to the New England feel of the building. Dr. Barrett introduced herself to the Board and thanked everyone for their time.

Nelson Disco echoed Councilor Boyd's suggestion about the addition of shutters and added that he would like to see some additional landscaping added, especially in the front of the building along DW Highway. He also asked if the shed that is shown on the property is going to remain. Mr. Barrett responded by stating that the shed is in decent condition so they plan on keeping it for storage. He also agreed that he would like to see some additional landscaping on the property and referred to Mr. Peterson. Mr. Peterson stated that he is going to take a second look at the landscaping plan and will present an update at the next meeting.

Chairman Best asked about the lighting and for feedback from the Board on if they feel additional lighting is required. Mr. Peterson used a picture of the existing building to demonstrate where the lighting is currently placed. He added that once he gets the wattage information for each of the existing lights, he will update the lighting plan accordingly. The Board discussed their opinions on lighting and Mr. Pearson clarified that he has added two additional parking lot lights to the plan but if they determine the existing lighting is sufficient, they can be removed. He also briefly walked through the drainage but indicated he would go over it in more detail once the peer review comments are received.

Public Comment was received via email from: Dorinne Whynott, 257 Daniel Webster Highway. The e-mail was in favor of the project and was read into the record by Councilor Boyd.*

*A copy of this email can be found in the project file at the Merrimack Town Hall Community Development Department.

The timing of the continuance was discussed as the applicant wanted to continue to the March 2nd meeting but Mr. Price explained that the peer review can take up to ten days so the March

2nd date does not allow staff enough time to review the feedback and update the staff memo. Attorney Prolman asked if pushing the date to the 16th would also allow time to get feedback from the other departments. Casey Wolfe responded that staff has received comments from Fire, Building and DPW but they were not received in time to be included in the memo.

The Board voted 5-0-0 by roll call vote to continue the public hearing to March 16, 2020 on a motion made by Bill Boyd and seconded by Nelson Disco.

7. **RCL Realty, LLC (applicant/owner)** – Review for acceptance and consideration of final approval of an amendment to a previously approved subdivision. The parcels are located on Elizabeth Drive, Squires Drive and Charles Road in the R-1 and R-2 (Residential) Districts. Tax Map 3A, Lots 010, 011, 012, 013, 014, 015, 025, 026, and 027. Case # PB2021-07.

At the applicant's request, the Board voted 5-0-0 by roll call vote to continue the public hearing to March 16, 2020 on a motion made by Bill Boyd and seconded by Nelson Disco.

8. Discussion/possible action regarding other items of concern

Nelson Disco asked if the Board can receive copies of Zoning Board minutes for projects that apply to the Planning Board as well. Councilor Boyd agreed and Mr. Price indicated that he does not see a problem with that request.

9. Approval of Minutes — January 19, 2020

The Board voted 5-0-0 by roll call vote to approve the minutes of January 19, 2021, as amended, on a motion made by Bill Boyd and seconded by Nelson Disco.

10. Adjourn

The Board voted 5-0-0 by roll call vote to adjourn at 9:38 p.m. on a motion made by Nelson Disco and seconded by Bill Boyd.