



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY JANUARY 4, 2022

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, January 4, 2022 in the Matthew Thornton Room.

Robert Best, Chairman, presided.

Members Present:

- Neil Anketell
- Brian Dano
- Nelson Disco – Alternate
- Town Councilor Barbara Healey - Ex-Officio

Members Absent:

- Paul McLaughlin (Vice Chairman)
- Lynn Christensen
- Jaimie von Schoen

Staff Present:

- Robert Price, Planning & Zoning Administrator

1. Call to Order

2. Planning & Zoning Administrator's Report

The Board voted 5-0-0 to determine that the Merrimack Premium Outlets site plan is not of regional impact, on a motion made by Nelson Disco and seconded by Barbara Healey.

3. Chris Ross (applicant) and 702 Daniel Webster Highway, LLC (owner) – Conceptual discussion regarding an alternative proposal to the currently submitted extended-stay hotel application, proposing a self-storage facility. The parcel is located at 702 DW Highway in the in the C-2 (General Commercial) District. Tax Map 7E, Lot 023-01.

Mr. Price summarized this project by explaining that after the December 7th Planning Board meeting, the applicant approached staff about a subsequent development idea for the 702 DW Highway parcel. The new idea is for a self-storage facility which is permitted in the C-2 District with a Conditional Use Permit. The applicant is presenting a concept only at this time and staff did not receive plans ahead of time to review but the applicant does have some to share with the Board.

Chris Ross (applicant) was present to discuss the conceptual idea with the Board. He explained that his original plan was to construct an a la carte extended stay hotel at the 702 DW Highway site but after receiving feedback from the Board at the last meeting, he now feels that the plan is not a good fit for Merrimack. He went on to explain that the new self-storage facility that he is considering is a better fit for the abutters because none of the concerns that come with a hotel (noise, traffic, etc.) would apply to the self-storage facility. Mr. Ross then handed out copies of the proposed plans and pointed out a few things such as the ability for fire trucks to get all the way around the building, the office/lobby location and the loading area. He confirmed that the proposed building is 4 stories high and that there will only be exterior doors around the base of the building and those doors will not be the standard roll up self-storage doors, they will be nice white garage doors because they are more presentable. Chairman Best asked a few other questions about whether or not the applicant is familiar with the CUP criteria and whether or not any waivers are being considered. Mr. Ross did indicate that he has not reviewed the CUP criteria and that they will most likely be requesting a waiver for interior landscaping because he feels that it is impossible to meet the town requirements. Nelson Disco commented that he thinks the plan presented will fit nicely in with the Zoning requirements for the town. Counselor Healey expressed concerns that there are already a lot of these self-storage facilities in town and asked the applicant if he foresees the building being used. Mr. Ross responded that he does not see a problem because self-storage facilities are in high demand and Chairman Best agreed. Councilor Healey also asked if the abutters are aware of tractor trailer activity on the site. Mr. Ross explained that trailers are not the norm and they usually see U-Hauls or personal vehicles but since they do occasionally get larger trucks, they will design the space to accommodate them. Chairman Best advised the applicant to make sure his engineer includes truck turning diameter information when the plans are formally submitted.

Responding to the question of whether the hotel or self-storage proposal was preferred by the Board, Chairman Best advised the applicant that it is not the role of the Planning Board to choose projects for an applicant, rather that they are responsible for applying the site plan regulations to whichever project is presented. He added that he does not foresee any concerns with the self-storage plans that were presented but it will still need to go through the regular review process so issues could be brought to light then.

4. **Chris Ross (applicant) and 702 Daniel Webster Highway, LLC (owner)** - Continued review for acceptance and consideration of final approval for a Site Plan to construct a 42-suite extended stay hotel and associated site improvements. The parcel is located at 702 DW Highway in the in the C-2 (General Commercial) District. Tax Map 7E, Lot 023-01. Case #PB2021-40. **This item is continued from the December 7, 2021 Planning Board meeting.**

At the applicant's request, the Board voted 5-0-0 to continue the application's acceptance & public hearing to February 1, 2022 at 7:00 PM, on a motion made by Neil Anketell and seconded by Barbara Healey.

5. **John Flatley Company (applicant/owner)** - Continued review for acceptance and consideration of final approval for a lot line adjustment to increase the area of Map 6E, Lot 003-07 and a site plan to construct two 48 unit apartment buildings (in addition to the existing 240 units), both in accordance with the most recently amended Flatley Mixed Use Conditional Use Permit. The parcels are located at 5 Gilbert Crossing and 645 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation & Elderly Housing Overlay Districts and Wellhead Protection Area. Tax Map 6E, Lots 003-01 (645 DW Hwy) and 003-07 (5 Gilbert Crossing). Case # PB2021-44. **This item is continued from the December 7, 2021 Planning Board meeting.**

At the applicant's request, the Board voted 4-0-1 to table this item indefinitely, on a motion made by Nelson Disco and seconded by Barbara Healey. Robert Best abstained.

Although the case was not heard, both Mr. Disco and Councilor Healey expressed dissatisfaction with the traffic report that was completed for this project and would like the Community Development Department to request the applicant to complete an updated traffic study that includes the entire CUP area.

- 6. Kerner's Car Care (applicant) and DKERN II, LLC (Owner)** – Continued review for acceptance and consideration of final approval for a site plan for a change of use from a limited automotive service (oil changes and car wash) facility to a full automobile service and repair facility in addition to the existing car wash use. The parcel is located at 386 DW Highway in the C-2 (General Commercial), Elderly Housing Overlay & Aquifer Conservation Districts. Tax Map 4D-3, Lot 28. Case # PB2021-45. **This item is continued from the December 21, 2021 Planning Board meeting.**

Mr. Price prefaced the presentation by providing some background on the site in question. He explained that the use of the site was originally approved for a car wash and oil change facility, however, over time, the oil change service expanded into full service repair which was not part of the original site plan approval. The applicant received a Special Exception for the full auto repair use from the ZBA in June 2021 and is now before the Planning Board seeking site plan approval.

Jeff Kevan (TF Moran, Inc.) David Kuerner (property owner) & Erick Ortiz (business owner) were all present to discuss the project with the Board. Mr. Kevan shared the site plan and indicated that no exterior work has been done to the building and the only changes were to convert the 4 existing car wash bays into service bays. He briefly walked through how the drainage works on the site and indicated that there are no changes to the impervious surface area proposed, so the existing site drainage infrastructure is still sufficient. Mr. Kevan pointed out some areas that additional landscaping will be added, demonstrated where the existing lights are in place and stated that the parking spaces are being re-stripped.

Chairman Best asked Mr. Price about peer review comments and he indicated that the peer review did look at everything including lighting and their comments were all minor in nature and mostly administrative. He then asked the applicant if they are planning on requesting a waiver for a sidewalk because there is not one shown on the plan. Mr. Kevan stated that they were not planning on adding a sidewalk since there are not any to either side of the property so they would request a waiver. Chairman Best asked Councilor Healey what the Town Council has planned for sidewalks in that area and she indicated that the plan is to install sidewalks from the 360 DW Highway plaza all the way to Bedford Road so this parcel would be included in that area. Mr. Price also mentioned two recent projects just to the north of the subject parcel that were required by the Board to add sidewalks to their plans.

Chairman Best informed the applicant that they can pursue the waiver request if they want but based on the discussions that just took place, he would not vote in favor of granting it. Mr. Kevan asked about the requirements for sidewalks and Chairman Best advised him that staff can get him what he needs. David Kuerner asked if it could be something that he installs at a later time when his abutters' sidewalks are put in because it will make more sense if they are connected. Mr. Best explained that the Board allowed that in the past but did not have success with it

resulting in the construction of sidewalks so they do not accept that any longer. There was some back and forth discussion about the sidewalks being used and Mr. Kuerner asked who maintains the sidewalks once they are constructed and was advised that they are maintained by the town. Mr. Price noted that sidewalk installation can be bonded until spring due to current weather conditions, but only if the Board were to grant a waiver from Section 6.01.c of the Site Plan Regulations to allow for such action.

The Board voted 5-0-0 to accept the application as complete, on a motion made by Nelson Disco and seconded by Brian Dano.

Chairman Best asked several questions about cars being parked in non-designated spots and stated that he has gotten feedback from several individuals that it occurs regularly at this site. Erik Ortiz addressed these comments by stating that when a car is not in the bay and is waiting to be worked on, it is always kept in a designated parking spot. He added that the only time a car is not in an actual parking spot is when it is done being serviced and is pulled out of the bay for the owner to leave with. Chairman Best asked if cars are waiting to be repaired longer than a day or two and Mr. Ortiz explained that due to the national shortage of car parts, some cars are left for up to a week waiting for repair. He added that they are all kept in designated spaces while they are waiting to be serviced. Chairman Best asked about the shared driveway with Mr. G's pizza and if there is shared parking as well. Mr. Ortiz explained that they just share the driveway and have their own parking spaces. He stated that he has a sign up at his facility advising his customers to park in his lot only and if he sees one of his customers in the other lot, he will immediately address it. Chairman Best suggested that he keep a close eye on the parking situation so that it does not end up an enforcement issue with staff.

Councilor Healey asked how fluids are managed and Mr. Ortiz explained that they are kept in storage containers in the basement and the containers are picked up to be emptied when they are full. Mr. Kevan noted that the Town's Wastewater Division staff has already advised them that the building's existing floor drains would need to be sealed as they are not permitted in Merrimack.

There was no public comment.

The Board voted 5-0-0 to grant a waiver from Section 6.01.c of the Site Plan Regulations (which requires all on site improvements be completed prior to the issuance of a certificate of occupancy), and to grant conditional final approval to the site plan, on a motion made by Nelson Disco and seconded by Barbara Healey. The following precedent conditions apply:

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 any 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, as applicable and at the applicant's expense, by the Town's Legal Counsel;

4. The applicant shall address the forthcoming comments from the town's peer review consultant, Fuss & O'Neill, as applicable;
5. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
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, as applicable:
 - a. The plan legend on Sheet 2 indicates there will be a stop bar and the word "STOP" stenciled into the exit of the driveway. This needs to be shown on the plan;
 - b. It shall be noted on the plan that a Right of Way permit shall be obtained from the Highway Department prior to any work being conducted within the Town Right of Way;
 - c. The property monuments shall be set per the Site Plan Regulations Section 3.02;
 - d. There shall be a Long Term Operations & Maintenance Manual prepared for the existing storm drainage system on the property. The system is to be inspected and cleaned yearly and a report filed with Community Development every year, on or before June 30th (per Site Plan Regulations Section 3.07 (b) (15));
8. The applicant shall address the following comments from the Wastewater Division:
 - a. There are to be no floor drains in the building except for the drains within the car wash bays only. All of those drains shall flow into the 1,500 gallon oil water separator that is located on the south side of the building. All other floor drains are to be permanently sealed;
 - b. The sanitary waste line coming from the office facilities is to be shown on the plans;
 - c. No additional flows are to be added to the sewer without proper approval;
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. Clean up the numbering on Sheet 2, there is a note #18 without any language;
 - b. Add a Planning Board signature block to the site plan and landscaping plan;
 - c. Add an owner's signature block to the Existing Conditions plan;

- d. There appears to be a bolded symbol for bollards around the existing building. Please add the symbol to the legend and make apparent if these are existing or proposed bollards;
 - e. Replace the language mentioning the Special Exception on Sheet 5 with a note, “The Zoning Board of Adjustment granted the Special Exception under Section 2.02.3(C) (1) of the Zoning Ordinance to permit an automobile service and repair station in the C-2 (General Commercial) District on June 30, 2021”;
 - f. Sheet 5 appears to show information about maximum structure height. The Town of Merrimack does not have a height restriction for structures. Please remove this language;
 - g. The lighting plan shall be included as a plan page in the plan set;
 - h. No information was included in the lighting plan about the lighting fixtures. Please amend the lighting plan to demonstrate “full cutoff fixtures” are proposed;
 - i. Add a note in accordance to Section 3.09.c.8 of the Site Plan Regulations to the landscaping plan;
11. The applicant shall provide for a financial guarantee of sidewalk completion to be submitted to the Community Development Department prior to final plan approval (see also General and subsequent condition #7).

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 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, etc., as applicable (that are not deemed precedent conditions);

6. The 1,500 Gallon Oil Water Separator is to continue to be inspected by the Wastewater Pretreatment Inspector and the Health Officer as presently required. The tank is to be cleaned as presently required;
 7. The applicant shall complete the sidewalk within 6 months of the issuance of the certificate of unit completion, or the Town will utilize the submitted financial guarantee to complete the work.
7. **Anthony Hunter (applicant/owner)** - Review of a Conditional Use for a Level II Home Occupation proposing gunsmithing and customization of firearms. The parcel is located at 15 Mountain View Drive in the R-1 (Residential, by map) District. Tax Map 6A, Lot 006-13. Case # PB2022-01.

Mr. Price offered a brief explanation that this project is in front of the Board because per the Zoning Regulations, all firearms related home occupations require Planning Board approval.

Applicant and home owner, Anthony Hunter presented the project to the Board. He clarified that although the application states “gunsmithing” what he really does is build custom pistols and has been doing it as a hobby for as long as he has lived in the house. He added that since this is something he has been doing right along for his own personal use, the only change for the neighbors is a few more FedEx-style deliveries to the neighborhood.

Chairman Best asked Mr. Hunter if he will be required to obtain a Federal Firearms license for his business and he responded that he will be required to obtain a Federal license. He added that the license application requires local approval and the needs to be shared with the chief of Police once it is completed. Mr. Hunter also confirmed that he has multiple gun safes and several layers of security for his home. When asked if customers will be visiting his home, Mr. Hunter explained that he will not be conducting business at his home and everything will be done through the mail. Chairman Best asked how this is achieved through the mail and Mr. Hunter explained that the shipments can only be sent to another individual or business with a federal license so customers would have to pick their product up from the third party. He indicated that he will also not have any signs at his home and his advertising will all be done online. He indicated that the only chemical used in his process is gun oil which is standard in any gun cleaning kit and that he will have some ammunition associated with the business because he needs to test the guns to ensure they are firing safely. The testing would be done off-site at a commercial firing range.

Public Comment

Menahem Lowy (13 Mountain View Drive) spoke in favor of the applicant and stated that he supports the proposal 200 percent.

The Board voted 5-0-0 to grant conditional final approval, on a motion made by Nelson Disco and seconded by Barbara Healey. The following precedent conditions apply:

1. The applicant shall provide verification to the Community Development Department that the home occupation is covered under either the homeowner’s or other applicable insurance;
2. The applicant shall obtain, if applicable, final local approvals from the Police Department and any State or Federal licenses required for the operation of the home occupation and provide copies of such to the Community Development Department;

3. The applicant shall provide documentation/proof that the home occupation will utilize an appropriate security/alarm system. Such system shall be approved by the Merrimack Police Department before use and a copy of such approval shall also be provided to the Community Development Department;
4. The applicant shall provide documentation/proof that the home occupation will utilize gun safes for the storage of firearms related to the home occupation's operations.

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

1. No ammunition related to the home occupation shall be permitted on the premises;
 2. The applicant shall store any flammable materials in an appropriate "flammables cabinet";
 3. The applicant shall dispose of wastes associated with the home occupation in accordance with State/Federal requirements;
 4. The residence shall be easily identifiable with appropriate numbering.
- 8. Merrimack Premium Outlets, LLC (applicant/owner)** – Review for acceptance and consideration of an amendment to a previously approved Site Plan to allow a variety of temporary "event" uses and other permanent customer amenities within the existing parking areas, in accordance with the recently amended Merrimack Premium Outlets Conditional Use Permit. The parcel is located at 80 Premium Outlets Blvd in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191-01. Case # PB2022-02.

Mr. Price provided some history of this project by explaining that the applicant was before the Board a few months ago to update the Conditional Use Permit to add some customer amenities and allow for occasional onsite events. The applicant is now before the Board with the site plan application related to the CUP amendment that was previously approved.

The Applicant was represented by Mark Verostick (VHB, Inc.) and Aylin Felch (Merrimack Premium Outlets). Mr. Verostick began by sharing the site plans and demonstrating the areas that are being impacted with this request and added that the only structure being proposed is a drive-up ATM.

Councilor Healey raised concerns about traffic when large events are held onsite and expressed concerns for people trying to enter into the apartments or hotel at the bottom of the hill. Mr. Verostick explained that a lot of the off-site traffic improvements that were for the entire site (including phase 2) have been put in place already so these should help. He noted the forthcoming roundabout at the entrance to the Park Place site will also be a help. Miss Felch added that they work closely with their onsite security team as well as the MPD for busy shopping times, such as Black Friday, to ensure traffic is handled efficiently. Miss Felch also provided an idea of some of the events that take place at other Simon properties that may be held at the Outlets. These events include Farmers markets, classic automobile shows, food truck festivals and even Covid testing or vaccine clinics.

Public Comment

Jason Greguske (5 Englewood Drive) asked how late the events would be taking place, and expressed concern about fireworks being launched at the Outlets in conjunction with their events.

Miss Felch responded that they do not have anything scheduled yet so she does not have particular events to reference but Simon does not typically hold events that last until the early hours of the morning. She also stated that events would still need the proper town approvals as they occur. Chairman Best stated that he thought he recalled during the CUP discussion that the Outlets represented that they would not be open to firework displays and from what he understands, the property is not very well suited for them anyway. Miss Felch walked back those assurances, stating that they are going to take the requests on a case by case basis and work with the town on what can and cannot be done when a request is received. She added that it is difficult to discuss at this time because nothing has been requested.

Nelson Disco asked if the Outlets have operating hours now and Miss Felch responded that their hours of operation fluctuate throughout the year and change as the shopping needs change.

The Board voted 5-0-0 to grant conditional final approval to the site plan, on a motion made by Nelson Disco and seconded by Barbara Healey. The following precedent conditions apply:

1. Final plans to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans.
2. The applicant shall address any forthcoming comments from municipal departments, as applicable, particularly as it relates to the sequencing of the proposed sub-phases (in particular when the roundabout should be completed);
3. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall revise the Planning Board Signature Block on the plan, designed as shown below:

Approved by the Merrimack, NH Planning Board on: _____
Certified by:
Chair: _____
Vice Chair: _____

;

- b. Sheet 48 of 61, Note 1: This reference is outdated. It should be Site Plan Regulations, Section 3.11 Table 1;
 - c. Please add a purpose of plan statement to the plans;
 - d. Please add reference information to the original, complete site plan and note that the approved plan is also on file with the Community Development Department;

The following general and subsequent condition is also placed on the approval:

1. All General and Subsequent conditions placed on the original site plan approval (approved (signed) by the Planning Board on 4/3/2012) and as subsequently amended shall continue to be in place with this amended site plan approval; as applicable.
9. **Aubrey Duplease (applicant/owner)** - Review of a Conditional Use for a Level II Holistic Wellness Home Occupation. The parcel is located at 66 Tinker Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 2C, Lot 056. Case # PB2022-03.

Mr. Price advised the Board that as indicated in the staff memo, this application needs further clarification on two items (number of business vehicles and number of employees) that are not clear and may classify this as more of a commercial business than home occupation.

Aubrey Duplease, (applicant/owner) was present to discuss the project with the Board. She began by explaining that she would like to open a holistic wellness center at her home that offers services such as reiki, tarot card readings, hypnosis and more. The services would be offered by appointment only beginning around 9 am and ending no later than 7 pm. The employees would be herself and one other resident of the property and they would have no more than 3-5 clients onsite at once unless they were teaching a class. She advised the Board that she has been speaking with the Fire Department to learn more about limits on gatherings so class sizes would depend on what they determine for the space she has available. The classes are the only time she would hire an outside contractor to come in and teach a class she is not as familiar with (such as organic gardening). She also advised the Board that there would only be one business vehicle parked on the property and there is plenty of parking for customers now but more can be added if needed.

Mr. Disco asked where the services would be taking place and the applicant explained that the space is not constructed yet, but she is adding a garage to the property and will be putting a room above the garage. The Board reviewed the aerial photo of the property along with pictures provided by the applicant to try and get a sense of where the proposed garage would be situated in relation to the house. Chairman Best suggested that perhaps a drawing of the site would be helpful for the Board to get an idea of where the garage is being proposed.

Chairman Best asked about the number of employees and addressed the staff's concerns that if the business has a variety of contractors on payroll then that does not fit the home occupation regulations, which only allows for one employee from outside the home. The Board discussed this issue in further detail and the applicant attested that she would be willing to limit the employees to just herself and one other person who resides in the home, and limit the nonresident employees (contractors) to one in order to comply with the Ordinance.

Neil Anketell asked about the proposed community garden and how it would work and Miss Duplease explained that the customers involved would all share in the responsibility of maintaining the garden and would share the produce that it yields. He then asked about the yurts being proposed as a future expansion project and if that is something they need to think about now. Mr. Price replied that the yurts would have to be considered by the Board when/if she is ready to expand and should not be considered now because it is not the request at hand. He did caution the applicant that there is a square footage threshold for home occupations

that does apply to accessory buildings as well. The applicant stated she is proposing to use approximately 300 square feet of space above the garage so she would have 200 square feet left. Chairman Best added that he believes that the community garden and possibly even some of the gardening classes may be classified as agricultural and could be much easier to approve. Brian Dano asked the applicant if she has considered getting a commercial space for her business and she stated she had considered it but really wants to tie in the gardening aspect.

The Board continued to discuss the agricultural component of what is being proposed and what the Board does and does not have jurisdiction over. Since the proposal includes both agricultural and non-agricultural components, the consensus was that they need more information to make a decision. Mr. Price indicated that he will discuss the proposal with the town's Legal Counsel.

Additional discussions took place about the proposed future yurts and Mr. Disco asked if they would be for overnight use. The applicant advised that she had not thought about using them for overnight use and was intending to use them for the services to be closer to nature.

Public Comment

Casey Martel (62 Tinker Road) spoke in favor of the project and indicated that when the applicant has hosted events at her house in the past there has never been any problems with traffic or noise. She added that she thinks the business would be a good fit for the town and would give people a place to go and chill out.

The Board voted 5-0-0 to continue this item to February 1, 2022 at 7:00 p.m. in the Matthew Thornton Room, on a motion made by Nelson Disco and seconded by Brian Dano.

- 10. Anheuser-Busch Commercial Strategy, LLC (applicant/owner)** - Review for consideration of Final Approval for a waiver of full site plan review to re-establish the use of two existing buildings as 6 residential units for employees/contractors. The parcel is located at 221 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D, Lot 031. Case # PB2022-05.

Mr. Price prefaced the presentation by explaining that the applicant is seeking site plan approval to re-establish 6 on-site residential units that were previously used as caretaker units for the Clydesdales when they were in town. The units were legal non-conforming when they were in use however since they were left vacant for more than a year after the Clydesdales left, the legal non-conforming status was abandoned. The applicant did receive a variance from the ZBA for the residential use and is now seeking a waiver of full site plan approval.

Tom Hildreth (McLane Middleton) was present to discuss the project on behalf of the applicant. Mr. Hildreth began by sharing copies of an aerial photo of the Anheuser-Busch property to demonstrate where the residential units are located on the property. He went on to explain the units (6 two bedroom apartments) will be used for employees visiting the facility or relocating to the area, as well as for people who are on site related to events that Anheuser-Busch holds.

Mr. Hildreth explained that the applicant is seeking a waiver of full site plan because the entire parcel is approximately 200 acres and only a small fraction of that was used in the construction of these apartments (approximately 2 acres) so it would be a hardship on the applicant to require a full site plan. The buildings in question are already constructed and there are no exterior changes being proposed.

The Board voted 5-0-0 to accept the application as complete, on a motion made by Nelson Disco and seconded by Neil Anketell.

The Board voted 5-0-0 to grant a waiver of full site plan review, on a motion made by Nelson Disco and seconded by Brian Dano.

Mr. Anketell asked for conformation that no exterior changes are being made and Mr. Hildreth confirmed that to be true and walked through some of the interior changes that are being made to the units.

There was no public comment.

The Board voted 5-0-0 to grant conditional final approval to the site plan, on a motion made by Nelson Disco and seconded by Barbara Healey. The following precedent conditions apply:

1. Final plans to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans as applicable;
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. Any waivers granted (including Section and date granted) and/or any changes requested by the Planning Board shall be listed and fully described on the final plan, 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 any forthcoming comments from the Public Works Department, as applicable;
6. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
7. The applicant shall address the following Planning Staff Technical Comments:
 - a. Delete note #14 on Sheet 1.
 - b. Update note #15 to reflect granted waiver.
 - c. Applicant shall note on the plan that residential use 2 buildings shall be limited to temporary, short-term usage accessory to the brewery and event usage of the property;

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

1. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
2. The applicant shall address the following comments from the Fire Department:
 - a. These buildings would require an approved NFPA-13R compliant fire sprinkler system if they were being built today, or were changing from a different use group.
 - i. As the 2 apartment buildings are not undergoing a change of use a sprinkler system is not required, however as the current code does require all new or converted 3 or more unit apartment buildings to have sprinkler protection it is strongly encouraged.
 - b. The 2 apartment buildings shall have the fire alarm systems, smoke and CO detectors, and emergency lighting brought up to current code requirements for a multi-family dwelling.
 - c. A check with NH-911 has determined that the buildings of the hamlet and stable area have addresses separate from 221 Daniel Webster Highway. The correct addressing is listed below.
 - i. The stable building is addressed as 207 Daniel Webster Highway.
 - ii. The front apartment building, closest to DW Highway is addressed as 209 Daniel Webster Highway.
 - iii. The rear apartment building, behind 209 DW Highway is addressed as 211 Daniel Webster Highway.
 - iv. The individual apartment units shall be addressed as units 101, 102 and 103 for each building numbered from left to right.
3. 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).

11. Discussion/possible action regarding other items of concern

The Board voted 5-0-0 to grant a 6 month extension to the Thomas More College site plan, on a motion made by Nelson Disco and seconded by Neil Anketell.

12. Approval of Minutes — December 21, 2021

The Board voted 4-0-1 to approve the minutes of December 21, 2021, as submitted, on a motion made by Barbara Healey and seconded by Brian Dano. Neil Anketell abstained.

13. Adjourn

The Board voted 5-0-0 to adjourn at 9:19 p.m. on a motion made by Barbara Healey and seconded by Nelson Disco.