



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY, JULY 2, 2019

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

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

Staff present: Planning and Zoning Administrator Robert Price, Assistant Planner Kellie Shamel 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 Lynn Christensen. The Planning Board bade farewell to Assistant Planner Kellie Shamel, who is moving on to the position of Milford Town Planner. The Board thanked her for her support and praised her new opportunity.

2. Planning & Zoning Administrator's Report

None

3. Annual Meeting – Election of Officers & Review of Rules of Procedure

Chairman Best instructed staff to make some edits to the Meeting section of the Rules of Procedure, which were completed and before the Board.

The Board voted 4-0-0 to adopt the Rules of Procedure as amended, on a motion made by Alastair Millns and seconded by Bill Boyd.

The Board voted 4-0-0 to elect Robert Best as Chair and Alastair Millns as Vice Chair, on a motion made by Bill Boyd and seconded by Nelson Disco.

4. Kinsley Osgood- Barnard (applicant/owner) - Review for acceptance and consideration of a waiver of full site plan review for a change of use to allow a dog grooming business (within a building addition to the existing home) in addition to the existing residential dwelling. The parcel is located at 9 Harris Avenue in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts and Wellhead Protection Area. Tax Map 6D-1, Lot 038. Case #PB2019-19. **This item is continued from the June 4, 2019 Planning Board meeting.**

Kellie Shamel said the plan was revised to address the Planning Board's comments from the June 4, 2019, meeting.

Kevin Anderson, Meridian Land Services, Inc., said it is unique for a commercial zone to have a residential use. The applicant proposes a 600 square foot addition. It would have a drop-off only access drive, so no parking spaces are needed, especially because clients are not expected to wait on site. Clerical errors on the plan were corrected and the fence was relocated to be entirely on the applicant's own property. The applicant will discuss with the Fire Department whether a fire suppression system is required, since this is not a completely commercial site.

Kevin Anderson said the utility line and the concrete apron are on the plan. Overhead electric lines would be added to the plan. There would be two garages; one existing and one proposed. The business is proposed to be within the new garage.

There was no public comment.

The Planning Board determined that parking spaces need not be delineated on the plan due to the small, limited scale of the business.

Since there are no wetlands on site, the Board agreed they do not need to be delineated on the plan.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 4-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco.

1. Final plans to be signed by the property owner. 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, as applicable;
5. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
6. The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
 - a. The parking spaces have not been delineated on the plan. A note will be added that there will be no on street parking for the dog Daycare. The driveway widths have not been shown at the ROW.

- b. A note shall be added that any work within the Town Right of Way (ROW) shall require a ROW Permit prior to any work being done within the ROW. Should a ROW permit be required it can be obtained from the Town Website under Public Works.
 - c. Utility lines to the house and in the street have not been shown; this includes sewer, water, drainage and power/phone/cable lines. Any lines disturbed will be the responsibility of the owner.
 - d. Since the site is located adjacent to a large wetlands area a note regarding how the pet waste will be picked up, handled and disposed of.
7. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
 8. The applicant shall address the following Planning Staff Technical Comments:
 - a. The following typical plan notes should be added to the plan:
 - i. Notes regarding waivers (waiver of full site plan review granted 6/4/19);
 - ii. Clarify Note 12 that public water supplier is Merrimack Village District.

Staff also recommends that the following general and subsequent conditions be 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 any forthcoming comments from the Fire Department, as applicable;
 3. The applicant shall address the following comments from the Building Department:
 - a. The proposed building use, type of construction, occupancy and means of fire protection shall be disclosed prior to the Pre-Construction Meeting with Community Development.
 - b. The project shall comply with all ICC Building, Fire and Life Safety Codes adopted by the State of New Hampshire, including all amendments.
 - c. Submit a complete building permit application, provide property owner's name, general contractor, the scope of work, proposed use and estimated construction value.
 - d. All plans and construction documents shall be submitted along with the building permit application and made available for code review.
- 4. Lawrence Bird (applicant) and Dennis Drouin (owner)** - Continued review of a Home Occupation to permit a firearms cleaning and repair business. The parcel is located at 168 Camp Sargent Road in the R-1 (Residential by Zoning Map) and Aquifer Conservation Districts, and Wellhead Protection Area. Tax Map 2B, Lot 310.

Case #PB2019-21. This item is continued from the June 18, 2019 Planning Board meeting.

Robert Price said the applicant did not provide the required photograph or plot plan of the property that shows the driveway's suitability for customers/clients when submitting the application, nor has one been provided since the last meeting. Staff utilized Google Street View to review the driveway's adequacy. Although Google's photograph was taken in 2011, it appears to illustrate that the driveway is sufficient to accommodate the anticipated client load, so long as no changes have been made since the Google photo was taken.

Lawrence Bird, 168 Camp Sargent Road, presented the Board with a printout of the Google street view imagery of the driveway and indicated nothing has changed between the date of the Google photograph and today.

Bill Boyd added that all criteria were met at the June 18, 2019, meeting except for a plan, which has since been provided.

Lawrence Bird described the property. All the work would be done in the house. No one would walk behind it. Each customer would stay a maximum of 15 minutes. The driveway is 82' long. The business would be to clean and repair firearms. There would be no ammunition in the shop. If test firing is necessary, Lawrence Bird would get ammunition on the way to firing at the Horseshoe Fish and Game Club. His personal guns would be kept in a separate gun safe. The 3' x 3' x 5' gun safe for the business would be in a separate room. It is tall enough for long guns. Non-flammable cleaning solvents would be used. Anything left over would go into a canister in a flame cabinet and taken to a disposal area once or twice a week. Lawrence Bird would do no re-finishing or selling. Except for a small bench-type drill press; he would use only hand tools. Clients would drop off their guns and would not stay to wait for the repair. There would be no sign. The driveway is well lit and there is a light on the garage.

Chairman Best wanted the hours of operation noted on as a potential condition of approval, as per the applicant's statements: 9:00 a.m.-3:00 p.m., Monday-Friday. The 60 square foot work area would be in the house. Federal inspections and Police Department approval are mandated for a license.

Bill Boyd said that, since the gun business is on private property, proximity to a school is not an issue.

There was no public comment.

The Board voted 4-0-0 to grant final approval, with the following conditions, subject to the following precedent conditions to be fulfilled within six months, on a motion made by Bill Boyd and seconded by Nelson Disco.

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 approvals (including Town Council if required) and any State or Federal licenses required for the operation of the home occupation and provide copies of such to the Community Development Department (for the project files, and copies distributed to Planning Board upon receipt);
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.
5. The applicant shall provide documentation/proof that the home occupation will utilize gun safes for the storage of firearms related to the home occupations' operations;
6. Outdoor lighting shall be turned on during business hours (Monday–Friday from 9:00 a.m. to 3:00 p.m.);
7. The residence shall be easily identifiable with appropriate numbering;

Staff also recommends that the following general and subsequent conditions be 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. No discharge of hazardous liquids/chemicals shall be permitted into the Town's sewer system;
 4. No buying or selling of firearms as part of the business;
 5. No sales of reloaded ammunition;
 6. Continued compliance with all gunsmith requirements and regulations of the Federal and State government.
- 6. Robert Curry (applicant/owner)** - Review for acceptance and consideration of final approval for a two lot subdivision. The parcel is located at 2 County Road in the R-1 (Residential, by map), Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 3A, Lot 065. Case #PB2019-20.

Kellie Shamel noted that the existing house encroaches into the front setback; however the Planning and Zoning Administrator has determined that, since the house predates the zoning ordinance, its location is considered legal non-conforming.

Robert Price described where the Merrimack Village District (MVD) water service line runs.

Tucker McCarthy, Project Engineer, Keach-Nordstrom Associates, Inc., proposes to subdivide the parcel into two single-family residential building lots. Each lot would be serviced by municipal water and private septic systems and have separate driveways. Both lots would have adequate frontage on County Road and would have more than the required square footage. The Merrimack Conservation Commission (MCC) has no issues and made a positive recommendation to the Planning Board. Test pits identified areas for sewage disposal. There is no proposed impact to wetland buffers. Tucker McCarthy explained that house locations are not typically shown on a 1-2 lot subdivision plan. An inspector must approve the certified foundation plan. The applicant has no issue with Public Works Department (PWD) comments. Sight distances can easily be met.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

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

There was no public comment.

Robert Curry, 2 County Road, said the existing house has a dug well and there is a hydrant at the corner of the driveway. There is no municipal sewer. The new lot owner could connect to Town water.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 4-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco.

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, as applicable;
3. The applicant shall note all 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 any forthcoming comments from the Assessing Department, 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 Department of Public Works:
 - a. The sight distance shall be verified for the driveway entrance by the engineer. A policy on Geometric Design of Highways and Streets (AASHTO) shall be used along with a design speed of 40 MPH to determine the sight distance required at the entrance.
 - b. Add a note to indicate that prior to any work on the site a right of way 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.
 - c. The driveway entrance shall conform to Section 4.13.1 under the Roadway and Utility Standards and shall be noted on the plans.
 - d. Section 4.18 (a) monuments shall be set at all street intersections, points of curves and angle points County Road.
8. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
9. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall note the source of both water supply and sanitary sewer disposal.

Staff also recommends that the following general and subsequent conditions be 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. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
4. The applicant shall address the any forthcoming comments from the Fire Department, as related to building addressing and fire code compliance, as applicable.

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

Bill Boyd wanted another mailed notification to abutters and a discussion with the Planning Board about continuation and notification procedures at a future meeting.

A motion by Bill Boyd to continue this item to July 16, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, with abutter re-notification, failed for lack of a second.

The Board voted 3-1-0 to continue this item to July 16, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Bill Boyd and seconded by Alastair Millns. Bill Boyd voted in opposition.

8. Discussion/possible action regarding other items of concern

Nelson Disco, who had some concerns about the proposed site plan regulations that had been discussed at two previous meetings, was instructed to raise his questions at the full public hearing. Chairman Best promised not to rush the proceedings. Alastair Millns noted that Community Development Director Tim Thompson would make a presentation in August. Bill Boyd suggested that Nelson Disco provide an annotated copy of his comments/revisions to the Board in advance of the next discussion.

Although he has retained his membership, Bill Boyd has resigned from the Executive Committee of the Nashua Regional Planning Commission (NRPC). He will be replaced by Tim Tenhave. There are currently two Merrimack vacancies on the NRPC. Chairman Best encouraged residents to volunteer for vacant seats on Town boards.

Chairman Best announced that Paul McLaughlin has been appointed to the Planning Board, completing the Board's full-time membership. Two alternate positions are still vacant.

9. Approval of Minutes - June 4 & June 18, 2019

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

The minutes of June 18, 2019, were approved as submitted, by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Bill Boyd.

10. Adjourn

The meeting was adjourned at 8:15 p.m., by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.

