



Town of Merrimack, New Hampshire

Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing

603 424-3531
Fax 603 424-1408
www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY, JUNE 15, 2021

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, June 15, 2021 in the Matthew Thornton Room.

Robert Best, Chairman, presided.

Members Present:

- Paul McLaughlin (Vice Chairman)
- Neil Anketell
- Councilor Barbara Healey, Ex-Officio
- Alternate Nelson Disco

Members Absent:

- Lynn Christensen

Staff Present: Casey Wolfe, Assistant Planner and Tim Thompson, AICP, Community Development Director (via phone for items 3 & 4).

1. Call to Order

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

2. Planning & Zoning Administrator's Report

Neil Anketell joined the meeting at 7:04 p.m.

The Board voted 5-0-0 to determine that the Flatley Warehouse/Distribution and LMS NH Site Plans are not of regional impact, on a motion made by Nelson Disco and seconded by Barbara Healey.

Robert Best recused himself from Items #3 & #4, Paul McLaughlin assumed the Chair.

- 3. John Flatley Company (applicant/owner) – Continued review for consideration of a Site Plan to construct 100,000 square feet of research & development/warehouse in 3 proposed buildings and associated site improvements, per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcel is located at 685 Daniel Webster Highway in the I-1 (Industrial) District and the Aquifer Conservation and Wellhead Protection Areas. Tax Map 6E, Lot 003-04. Case #PB2020-19. This item is continued from the September 1, October 6, October 20, and November 10, 2020, January 5, May 4, and June 1, 2021 Planning Board meetings.**

Paul McLaughlin began by confirming that the Board members all received the traffic report and peer review comments that were requested at the last meeting.

Chad Branon (Fieldstone Land Consultants), Kevin Walker (John J. Flatley Company), and Giles Ham (Vanasse & Associates, Inc.) were all present to discuss the project on behalf of the applicant. Mr. Branon spoke first and explained that they have nothing new to present but offered an update on the communications with Merrimack Village District by indicating that they have submitted water flow designs and are working through the development plan with them now.

Tim Thompson, AICP (Community Development Director) joined the meeting via phone.

Nelson Disco asked about the results of the soil samples that were taken, and stated that he saw a memo regarding the number of samples but nothing on the results. Mr. McLaughlin reminded Mr. Disco that the soils is not something that the Board has jurisdiction over but they had asked to see them out of curiosity. Mr. Branon responded that Kevin Walker could speak more about the soil management plan but the Stormwater report did include the findings of several test pits from the site. He also reminded the Board that when the project was first submitted, they were seeking a waiver from the local stormwater requirements but they were able to work with DES and staff to come up with a design that meets local and state standards. Tim Thompson interjected to remind the Board that the memo Mr. Disco mentioned was provided only as a result of the Board asking for an update on the status of the testing with DES. The soil testing is not within the jurisdiction of the Planning Board because we do not have any regulations or requirements that could have an effect on them. Mr. Walker introduced himself and stated that DES has the results of all of the test pits and will be reviewing them soon. He then added that they have also submitted a soil management plan to DES which is similar to the one completed for the residential units. He indicated that the plan stipulates that if ground water is hit during construction, an additional permit would be needed to de-water the site. This process entails treating the water before it is put back into the ground and not removing it from the site. Mr. Walker indicated that they do not anticipate hitting ground water for this project and emphasized that no soil or water will be removed from the site. Mr. Disco indicated that he had no further questions on soils since Mr. Thompson clarified that it is not within the Board's jurisdiction and Mr. Walker responded that they would still be happy to share the findings once they are reviewed by DES. Councilor Healey asked Mr. Walker to share the Alteration of Terrain permit once it is granted so the town is aware of any restrictions placed on the site and Mr. Walker agreed.

Giles Ham introduced himself and provided an overview of the traffic analysis that was conducted in 2020 for this project. He indicated that the analysis was conducted based on the change from retail to industrial and they found that the traffic was much less with the change in use. The study also looked at speed within the corridor and site distances and included recommendations to accommodate the project. Mr. Ham continued to explain that the traffic study was also part of the peer review conducted by Fuss & O'Neill and that they only made 5 recommendations, all of which will be incorporated into the project. Mr. Ham also reminded the Board that this section of the DW Highway falls under the state jurisdiction, so they are working with DOT to obtain all of the necessary approvals for the entrances to the site. Mr. McLaughlin mentioned a recommendation he saw about truck traffic being directed to use the St. Gobain entrance to the site and Mr. Ham confirmed that is correct. Mr. Disco expressed his dissatisfaction with the traffic study because in his opinion there are several things missing including the level of service that will be available at each entrance and a lot of things have changed since the analysis was conducted. Mr. Thompson responded by reminding the Board that this project met the requirements for a short traffic analysis so some of the items you would find in a complete study (such as the level of service) will not be included. He also

clarified that the data measured in August was not traffic counts or background traffic, it was simply a measure of the speeds that were captured in the corridor at the time; a short analysis does not call for new counts to be taken. Mr. Disco expressed that he feels that the town's regulations fall short if they do not require a full traffic study because this is a large project with a potentially large impact on traffic. Mr. Thompson responded by reminding everyone that a complete study was done as part of the CUP and that the industrial use will only add 71 am peak and 64 pm peak trips as compared to the 500 trips that would have been generated with a retail use. Mr. Thompson also clarified that the state decided on where the driveways need to be placed as part of the traffic study that was done for the CUP several years ago. Mr. Ham interjected to add that even though the project has met all of the requirements for the town, they still have a lot of data that they need to provide to the state to get the necessary permits for the entrances. He assured everyone that the entrances were determined by the state and the state will make sure they are safe for all commuters. Councilor Healey asked what constitutes "peak hours" because the report shows the data was conducted at 1:45 pm which in her opinion is not peak. Mr. Ham explained that peak hours are generally 7-9 am and 4-6 pm but the data she is referring to is speed and not traffic. He continued to explain that when you study speed it makes more sense not to collect data during peak hours because speeds are typically lower due to the heavier traffic at those times. Councilor Healey then asked if the number of bays at the site have an impact on the study because this project is proposing 17 and she feels that will have an impact on the number of large trucks traveling on the corridor. Mr. Ham explained that the volumes are based on studies that have been done on similar developments of the same size and use. He added that the increased traffic volumes projected are not significant for an industrial use and reiterated that the trucks will be instructed to use the signaled entrance at St. Gobain. Councilor Healey reminded Mr. Ham that there is a lot of mixed use in the area that includes a large multi-family residential complex across the street so she is very concerned with the traffic impact in that area. She added that the residential development on the Flatley site (Gilbert Crossing) is also proposing 92 additional units and asked if that was considered as part of this analysis. Mr. Ham explained that the additional units were not considered as part of this analysis because they look at them by project and when that is submitted to the Board, it will have its own analysis done. Mr. Thompson interjected to confirm that each phase of the project has its own set of requirements which does include a traffic analysis. Mr. Disco asked if any of the next projects will require a full study and Mr. Thompson noted that the Warehouse project (item #4 on the 6/15/21 agenda) will not require a full study and the additional residential units will be determined based on the traffic generation numbers for the use.

Public Comments

Joel Folliard (11 Kimberly Drive) explained that he had emailed comments to the Board regarding traffic prior to the May 4th meeting and during that meeting the chairman stated no comments were received so he has asked for those comments to be re-forwarded to the Board. He then addressed his concerns regarding traffic. He indicated that it takes him 45 minutes on some days to get from his residence at Webster Green to exit 10. He also added that the traffic was backed up yesterday from the intersection of Bedford Road and DW Highway to Webster Green. Traffic is starting to climb back up to pre-COVID levels and getting to and from work has become increasingly difficult. He expressed that the residents in that area need to live their lives and urged the Board to consider the traffic impact in this area. The Board discussed whether or not they had received Mr. Folliard's comments previously and asked him to share them again because they had no memory of receiving them. Mr. Folliard explained that he was in receipt of an email confirmation showing that the comments were shared with the Board but he summarized his concerns as being traffic, noise and soil disturbance. He feels that these issues have not been addressed thoroughly, especially the soil issue because they cannot even garden at Webster Green which is across the street. Casey Wolfe (Assistant Planner) confirmed

that she had his original email and would forward it to the Board. **Mr. Folliard's email was subsequently confirmed to have been shared with the Board prior to the May 4th meeting and is in the project file. It was also re-sent to the Board via e-mail on June 17th.*

Public Comment was also received via email from: Kendall Smith (18 Kimberly Drive). A copy of the email is on file at the Community Development Department.

Mr. Ham addressed the public comments by indicating that they are aware of the regional traffic issues and are willing to work with the state to see if adjusting the timing of the cues will help alleviate some of the congestion. Mr. Thompson clarified that the signal at Bedford Rd and DW Highway is a town maintained signal and is handled through the Department of Public Works. Mr. Ham corrected his statement to indicate that they will work with the town and not the state. Mr. Walker responded to the concerns about soil and dust control by explaining that it is all regulated by DES and will be handled the same way as the residential units were, everything will be watered down to minimize dust, the trucks will be hosed down before leaving and soil will not be removed from the site.

Mr. Anketell asked for clarification on what Mr. Folliard's noise concerns were and he responded that his primary concern is the traffic turning into the site because the entrance is directly across from Webster Green entrance. Mr. Anketell then asked what the business hours would be for the businesses at the location. Mr. Walker explained that it is unknown at this time since there are no tenants but it would most likely be 9-5 or 7-7. He also reiterated that the large trucks will be directed to use the entrance near St. Gobain. Mr. Anketell also suggested adding signs restricting use of air brakes in that area and Mr. Walker agreed that they could talk to DOT about adding those signs. Mr. McLaughlin asked Mr. Thompson if there is anything limiting the hours of business for this site and Mr. Thompson explained there were no such conditions added to the CUP. Mr. McLaughlin then asked if they could add it now as a condition of approval and Mr. Thompson stated that they could but it would be difficult to enforce since his department staff does not work overnight. Mr. Brannon reviewed the layout of the site to point out that off-loading would be conducted in the rear of the buildings so that there are landscaping and building buffers to help eliminate the noise.

Nelson Disco asked if a slip lane is planned on DW Highway for this project and Mr. Brannon responded that a slip lane is not part of this proposal but they have included a left hand turning lane. Mr. Thompson reminded the Board that the 65 day clock for this project expires on June 18th so if a decision is not made at this meeting an extension would be needed. He also added that the requested waivers were granted at the last meeting and that staff is recommending conditional approval. Mr. McLaughlin asked Mr. Walker if the applicant would be willing to grant an extension if needed. Mr. Walker stated that they would grant the Board an extension if they felt they needed more time. Mr. Thompson interjected to request that if the Board decides to continue the project again, that the Board will need to clearly define the reasons for doing so and to specify the expectations. He added that staff feels that the project is ready for conditional approval so if the Board feels otherwise, the applicant needs to know specifically what is missing. Mr. Disco asked if there is anything in the conditions that addresses traffic and Mr. Thompson replied that they need to address the peer review comments on correcting the reduction language from the change of use from retail to industrial because the retail use was never completed.

The Board voted 4-0-0 to grant conditional final approval to the application, on a motion made by Neil Anketell and seconded by Nelson Disco. The following 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 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. As required by the Mixed Use Conditional Use Permit governing this project, the applicant shall provide an updated fiscal impact analysis to show the impacts of the proposed site plan to the satisfaction of the Community Development Department.
6. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable.
7. The applicant shall address any forthcoming comments from the Building Department, as applicable.
8. The applicant shall address any forthcoming comments from the Public Works Department, as applicable.
9. The applicant shall address any forthcoming comments and obtain all necessary approvals/permits from the Wastewater Department, as applicable.
10. Merrimack Village District has stated in a letter to the Board that "Water Availability Letter requires further review and meeting between Applicant and Merrimack Village District."
11. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall address the following relative to the submitted traffic impact analysis:
 - i. Please address peer review comments on the traffic.
 - ii. The analysis depicts a "decrease" in vehicle trips based on the Mixed Use "master plan" that called for this area to be predominantly retail in the initial Conditional Use Permit. In a site plan traffic review, the applicant cannot "take credit" for a reduction in traffic because the Mixed Use Master Plan did not permit any actual construction to take place. The repost must be revised to eliminate references to the master plan uses, as those uses never had approval to be constructed. The traffic should be analyzed based on the current vacant land that exists today.
 - b. Applicant shall provide building elevations in the plan set per Sections 3.12.d.2 and 4.15 (currently separate from the site plan set).
 - c. Sheet 2, Note 22 shall be revised to comply with Section 4.11.t of the Site Plan Regulations (current note contains a double negative and does not properly reference the regulation language).

- d. Existing easements and deeds were not provided. The applicant shall clarify that the proposed buildings can be placed within the existing easements, and clarify how the existing pump house will be used since the water main was abandoned in 2014.

The following “General and Subsequent Conditions of Approval” also 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. 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 is strongly encouraged to work with NHDOT and the Public Works Department regarding signal timing at the intersection of Bedford Road and DW Highway, to see if there are potential solutions to signal timing or other means to help alleviate potential traffic backups. Additionally, the applicant should request that NHDOT allow for truck “J-Brake” prohibition signs (or other appropriate truck brake noise abatement signage) at appropriate locations to the north and south of the site along DW Highway.
5. 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).
6. The applicant shall address the following 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).
 - b. Fire Department water supply (pressurized hydrants) are required. In keeping with the compliance of state fire codes, NFPA codes and continued practices with other subdivisions and residential complexes within the community the installation of Fire Hydrants on a minimum of an eight inch water main will be required with Fire Hydrants located every 500 feet along all roadways and no more than 250 feet to a driveway as calculated along the new roads starting at the nearest hydrant located on Daniel Webster Highway. Final drawings showing the locations of the fire hydrants must be submitted to the Fire Marshal’s Office for approval.
 - c. As this proposal is for new multi-tenant buildings the entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Special requirements are required due to this being a multi-unit commercial structure such as but not limited to individual tampered zone valves and flow switches for each rental unit. Plans shall be provided to this office for review and approval before a permit can be issued.

- d. The buildings shall be protected by an approved independent NFPA-72 fire alarm system. Special requirements are required due to this being a multi-unit commercial structure. Plans shall be provided to this office for review and approval before a permit can be issued.
 - e. In keeping with prior standards each individual commercial unit shall have its own dedicated Knox Box key lock box.
 - f. The buildings shall be addressed as follows:
 - i. The southernmost building (48,000 sq./ft., 10 units) shall be 683 Daniel Webster Highway.
 - ii. The next building heading north (24,000 sq. /ft., 6 units) shall be 685 Daniel Webster Highway.
 - iii. The northernmost building (28,000 sq. /ft., 10 units) shall be 687 Daniel Webster Highway.
 - iv. Each building shall address the individual units starting at 101 for the left most unit and continuing up for each unit to the right (102, 103 etc.).
4. **John Flatley Company (applicant/owner)** - Review for acceptance and consideration of a Site Plan to construct a 120,000 sq.ft. warehouse/distribution building, per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcel is located at 707 Daniel Webster Highway in the I-1 (Industrial) District and Aquifer Conservation area. Tax Map 6E, Lot 003-06. Case #PB2021-24.

Mr. Thompson began by explaining that this parcel is located to the North of the St. Gobain driveway and is also owned by John J. Flatley. The 120,000 square foot warehouse building was originally approved several years ago before the Mixed Use approval and was going to be located on the land behind St. Gobain. That project was eventually scrapped and the applicant is now seeking approval for a similar building at the new location to the North of St. Gobain. He went on to explain that peer review comments have not been received yet for this project and the required traffic analysis was just received on June 11th. Given these two factors, staff is recommending that both the acceptance and the public hearing be continued to July 20th.

The Board voted 4-0-0 to continue the application acceptance and public hearing to July 20th, 2021, on a motion made by Barbara Healey and seconded by Neil Anketell.

Robert Best resumed as chair. Mr. Thompson left the meeting via phone at 8:02 p.m.

5. **Merrimack Parcel A, LLC (applicant) and Merrimack Parcel A, LLC and Slate Merrimack Acquisition, LLC (owners)** – Continued review for consideration of an amendment to the approved site plan, requesting to waive the requirement for the installation of a sidewalk per Section 4.20 and Section 7.05.D.19 of the previous regulations (in effect at the time of the original approval). The parcel is located at 10 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lots 191-02 and 191-02U1-02U4. Case # PB2021-16. **The item is continued from the May 18, 2021 Planning Board meeting.**

This item was withdrawn by the applicant.

6. **Northshore Trailer and Suspension, LLC (applicant) and Joseph Nissim (owner)** - Review for consideration of a Waiver of Full Site Plan Review to operate a trailer suspension and repair business. The parcel is located at 20 Star Drive in the I-1 (Industrial) and the Aquifer Conservation District. Tax Map 3D-1, Lot 012. Case # PB2021-21.

David Morin (Verani Realty) was present to discuss the project on behalf of the applicant. He spoke briefly about the staff memo and explained that as a result of those comments he has prepared an updated plan for the Board to review (he then handed out a copy of the plan to the Board members). Mr. Morin began his presentation by explaining that Northshore Trailer and Suspension is a maintenance and repair facility for tractor trailer bodies. The property on Star Drive fits the needs of the applicant because it contains two 14 foot high overhead doors and 8,500 square feet of first floor space. He continued by indicating that the parking calculation has been added to the updated plans and that there is sufficient parking available to meet the requirement. Mr. Morin explained that the building was constructed in 1971 and the setbacks were very different at that time so the rear corner of the building is only a few feet from the property line. He also added that the applicant is intending to use the building as it is today and not make any structural changes. There have been no changes to the building since it was constructed with the exception of converting from propane to natural gas. Mr. Morin mentioned that the building has been neglected by the current owner and in speaking with the Fire Marshal learned that the sprinkler system was turned off for most of the building over a year ago. The building needs a new owner that can take care of it make some cosmetic changes to make it more appealing. He added that a waiver of full site plan was granted for this property in 2017 so he is hoping the Board will grant one now as the applicant is trying to get a quick turnaround to move his existing business from Salem.

Chairman Best asked Ms. Wolfe if she has a copy of the plan from 2017 and she responded that she did not but knows that it was granted conditional approval but never received final approval. Chairman Best expressed the challenges with using an old plan because the Board does not know what is still present at the site, he referenced a spur railroad that is listed on the plan presented by Mr. Morin and asked if he knows if it's still present and/or operable. Mr. Morin commented that he does not know the status of the railroad but he knows the road was completed to cross the railroad tracks and there is a gate there now that was put in by Eversource. Chairman Best also asked about some materials in the cul-de-sac that were shown on the aerial image and Mr. Morin confirmed those items belong to the landscaping company that is located on Star Drive. He then spoke about the layout of the building and how its size is perfect for the type of work done by Northshore Trailer and Suspension. Chairman Best asked about the second building located on the property and Mr. Morin responded that a portion of that building will be used for an office and the rest could potentially be rented to another tenant at a later date.

Chairman Best expressed that he feels a waiver may be able to be granted for this project but some work needs to be done to the plan first. He suggested that Mr. Morin meet with staff so they could walk him through the updates that need to be made to the plan. Mr. Morin expressed the time constraints that the applicant is under because they need to vacate the existing site in Salem by the end of July and they cannot get an extension. The upcoming meetings were discussed and Ms. Wolfe confirmed that if the project is continued to the July 6th meeting staff would need updated plans within a week in order to have two weeks to review them. Mr. Morin responded that he could work with staff to update the existing plan within that time frame but it is not enough time to get an engineered plan completed. The parking spaces (new and existing) were discussed and Mr. Morin mentioned that the existing spaces are so old that the striping is no longer there so Chairman Best advised him that they will need to be re-striped as part of the conditional approval. He added that the landscape island that is mentioned on the plan would also need to be completed as part of the conditional approval. Chairman Best asked

about chemicals and the concerns with there being floor drains in the building and Mr. Morin confirmed that there are no floor drains and they will not be storing any flammable material. Nelson Disco asked if the railroad spur is still on the site and Mr. Morin responded that it has been disconnected from the main line but it is still there.

The Board voted 5-0-0 to accept the application for review, on a motion made by Paul McLaughlin and seconded by Barbara Healey.

Public comment

Richard Kalika (Kalika, LLC, Star Drive) expressed concerns with approving a site plan that is 40 years old because there have been changes that are not reflected on the plan. He is specifically concerned with drainage and the additional parking spaces that are being added. Mr. Kalika asked to receive a copy of anything being approved at the site going forward and Chairman Best explained that the documents for the project are located at Town Hall in the Community Development Department and he can look at them there and anytime the property is on an agenda he will get noticed as an abutter. Nelson Disco asked Mr. Kalika if he is aware of any drainage problems that exist today and Mr. Kalika responded that he is concerned with the drainage from the parking lot into the street because the street floods in that area today. Chairman Best asked Mr. Kalika if he thinks the drainage will be improved when the landscaping island is added back in and he responded that he is not sure. He used the plans that Mr. Morin handed out to demonstrate the area that gets flooded today. He also mentioned a potential abutter notification error because a neighboring business said they were not notified and Chairman Best advised Mr. Kalika that he would have staff look into it.

Mr. Morin addressed the abutter concerns by explaining that he believes the issue will be resolved with the landscaping island that is going to be added. Chairman Best asked if the parking lot is level with the road and Mr. Morin explained that there is a little rise but for the most part it is level with the road. Councilor Healey suggested that there are other businesses on that road as well so we cannot be certain the drainage issue is in fact coming from this lot. Chairman Best advised Mr. Morin that he should be prepared to discuss the drainage concerns at the next meeting and to make certain he meets with staff to discuss the changes that are need to the plan in order for the Board to be able to grant a waiver of full site plan.

The Board voted 5-0-0 to continue the public hearing to July 6th, 2021, on a motion made by Paul McLaughlin and seconded by Nelson Disco.

7. **LMS NH (applicant) and Karen Roy (owner)** - Review for acceptance and consideration of a Site Plan for a contractor yard for a mosquito control business. The parcel is located at 255 Daniel Webster Highway in the I-1 (Industrial) & Aquifer Conservation Districts. Tax Map 3D-2, Lot 039. Case #PB2021-22.

Matt Peterson (Keach-Nordstrom Associates) was present to discuss the project with the Board on behalf of the applicant. He gave a brief history of the site explaining that the Board recently approved a Vet clinic at this location but that applicant decided not to move forward with that project. The new applicant is a mosquito control business that will be moving from its current location on Columbia Circle to this site. Unlike the Vet clinic that was looking to make structural changes to the building, LMH NH is not. He went onto explain that the building will be used for locker rooms for the employees and for some chemical storage but it is not a retail location. Trucks will be stored on premises and the employees will show up to the location, change into their uniforms and head out to their clients for the day. Mr. Peterson explained that each truck carries approximately 100 gallons of water and a small jug of the chemicals that get mixed into water at the client's site. The business is regulated by the state of NH and the chemicals break

down quickly. They advise their customers to wait 20 minutes before letting their dogs roam in the yard because when the product is still wet it can be transferred but after it dries it is not harmful. He shared a fact sheet of the chemical used (permethrin) and shared that the applicant did meet with the Conservation Commission and they had no concerns. Mr. Peterson also shared pictures of the spill containment canister and kits that will be used for the onsite chemical storage.

The runoff on the site is decreasing with this project because they are not adding the addition to the building that was previously proposed but are still removing the paved area that was in the DW Highway ROW. Chairman Best asked how many trucks will be stored at the site and Mr. Peterson responded that they have 15-20 which is similar to what they have now on Columbia Circle. They are renting the space on Columbia Circle and the landlord is decreasing the numbers of parking spaces they will have in the future so they need to move. Chairman Best asked if the Fire Department inspected the existing site and Mr. Peterson responded that he is not certain if the Merrimack Fire Department inspected that space but they are regulated by the NH Division of Pesticides and subject to random inspections. Chairman Best asked if the chemicals used are commercial grade or available for anyone to purchase and Mr. Peterson answered that he was unsure. He also asked if the chemical fact sheet was submitted to staff and Ms. Wolfe responded that it was not part of the submittal package. Neil Anketell asked if the operation is seasonal and Mr. Peterson explained that it is and that the months are typically April through November so it will be vacant for a few months. He added that the applicant is aware that he will still have to keep the parking lot plowed for the Fire Department. Mr. Anketell also asked if there are any employees on site during the day and Mr. Peterson responded that there are not. The call center is in Massachusetts so this location is just a staging area for the trucks and employees. Mr. Disco asked about the number of parking spaces on the site and was advised there are 23. He also asked if anyone was going to check on the property during the off season and was advised that yes, someone would be checking the property.

The Board voted 5-0-0 to accept the application for review, on a motion made by Nelson Disco and seconded by Paul McLaughlin.

Public Comment

Public Comment was received via email from: Dorinne Whynott (257 Daniel Webster Highway). A copy of the email is on file at the Community Development Department.

Chairman Best asked if any chemicals will be sprayed at the DW Highway location and Mr. Peterson reiterated that the chemicals will be mixed off site at the client's location and the DW Highway location will only be used for chemical storage. The Board discussed the application of the chemicals and the insects that it attacks and Mr. Peterson confirmed that their hours of operation are 6am – 6pm Monday through Friday.

Waivers from Section- 3.11 Parking Standards: Subsections (1)(1, 3, & 5) Mitigating the impacts of parking lots are being requested. This site is required 8% internal area landscaping, shade trees per 15 parking spaces, and perimeter landscape trees. Based on the existing layout of the parking area and the current aesthetics of the property with the proposed fill in landscape the applicant believes this site plan meets the intent of the Town's landscape requirements. Chairman Best asked where the trucks will be parked because he feels that some screening from the trucks would be nice and Mr. Peterson shared the landscaping plan to demonstrate where trees and shrubs will be planted.

The Board voted 5-0-0 to grant waivers to Sections 3.11.l (1), 3.11.l (3), and 3.11.l (5) of the Site Plan Regulations on a motion made by Nelson Disco and seconded by Neil Anketell.

The Board voted 5-0-0 to grant conditional final approval to the application, on a motion made by Nelson Disco and seconded by Barbara Healey. The following 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 all required State approvals/permits as may be applicable (including NHDOT driveway permit updated for this proposal or verification from NHDOT that no permit amendment is necessary), 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 Conservation Commission, as applicable.
6. The applicant shall address any forthcoming comments from the Fire Department as applicable:
7. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable.
8. The applicant shall address any forthcoming comments from the Public Works Department, as applicable.
9. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable.
10. The applicant shall address any requests made by the Planning Board during the public hearing.
11. The applicant shall address the following Planning Staff Technical Comments:
 - a. Update the parking calculation to reflect a "contractor yard" use per Section 3.11.e of the Site Plan Regulations.
 - b. Revise Note #11 on Sheet 3 to "20 spaces (plus 1 handicap space) = 21 total spaces provided."
 - c. Finish the sentence in note #22 on Sheet 3.

The following "General and Subsequent Conditions of Approval" also 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. 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);
 3. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).
8. **Thomas More College (applicant) and Thomas More Foundation (owners)** - Review for acceptance and consideration of a Site Plan amendment to improve parking and pedestrian walkways within the campus grounds. The parcel is located at 6 Manchester Street in the I-1 (Industrial) and the Aquifer Conservation District. Tax Map 2D, Lot 041-04. Case #PB2021-23.

The applicant was represented by Austin Turner (Bohler Engineering) Dr. William Fahey (Thomas More College) and Matthew Wittmer (Phase Zero Design). Mr. Turner began by explaining that this project is the stepping stone to some campus improvements that the college is planning to make in the near future. The project entails upgrading the parking from dirt lots to paved surfaces, improving access to the campus through pedestrian walkways and improving the overall connectivity throughout the campus. He touched briefly on a couple of the future projects (expanding the dining hall and constructing a new dormitory) but stated Mr. Wittmer would speak more about them in his presentation. Dr. Fahey introduced himself and provided a brief history of the school and student body population. He displayed some pictures of the campus and explained that they are looking to increase the amenities while preserving the beauty of the location. He spoke about the existing dirt parking area being the center of the campus and the challenges with having it turn to mud after some rainfall, which is why one of their first objectives is to move the parking areas and add some landscaping to make the center of the campus more appealing. The college is an independent liberal arts college and they currently have capacity for approximately 95 students. The projects that they have planned will allow them to increase their capacity to 120 students but they do not have any intentions of growing any larger than that.

Mr. Wittmer introduced himself and shared a sketch of the improvements planned for the Thomas More campus. He walked through the sketch and pointed out the changes that are being proposed for the campus which include a new chapel, an expansion to the existing library, a new women's dormitory and an addition to the dining hall. He used the sketch to demonstrate where the current parking area is now and how it will be transformed into the center of campus with some pedestrian walkways and landscaping. The parking areas will be moved to the outskirts of the campus making the vehicles less noticeable. Mr. Wittmer then shared some renderings of the proposed building additions and new construction to give the Board a sense of the direction the campus is taking over the next 10 years.

Mr. Turner spoke about the parking areas and the plan to move them from the center of campus to the perimeter. Chairman Best asked if all of the students reside in dorms or if they also have commuters and Dr. Fahey advised that they have approximately 10 students that commute. Mr. Turner walked through the sketch of the campus layout to show the proposed location of the three new parking areas and emphasized that they spent a lot of time with the Fire Marshal ensuring the location of the lots were acceptable for emergency response vehicles. Mr. Turner also spoke about the driveways and which ones were for two way traffic and which are for exit

only. He also touched base on the stormwater management plan and explained that a basin will be added in the proximity of each lot to manage any runoff that may be generated. Councilor Healey asked how many parking spaces are near the men's dormitory and how many students live in the dorm. Mr. Turner advised that 21 parking spaces are planned but not every student in the dorm has a parking pass, as they are reserved for upperclassmen. Councilor Healey expressed concerns about the limited number of spaces because they are going from an unmarked lot situation to striped spots. Mr. Turner responded that they spent a lot of time discussing parking with the applicant and there were no concerns from their part on the number of proposed spaces. Chairman Best advised Mr. Turner that the parking calculation is based on the number of beds, so a waiver for the number of parking spaces may be needed. Mr. Turner voiced his agreement and added that they will continue to work with staff. Chairman Best asked if the new spaces will be paved and Mr. Turner advised that they will be and that they will also comply with ADA standards. Chairman Best then asked if the dorms are now or will be ADA accessible and Mr. Turner confirmed that they are both currently ADA compliant.

Chairman Best asked for the status of the peer review comments and Ms. Wolfe indicated that staff received the escrow check on June 9th and notified Fuss & O'Neill that same day to begin review. He then commented on the existing conditions plan and expressed concerns with the difficulty in reading it because of the topographic information that was added. Mr. Turner stated that he could certainly work on getting the plan updated to make it easier to read but the data will still be the same and for this reason, he feels that the application can still be accepted. He added that the acceptance shows momentum in the project and he would like to see the application accepted to move it forward and seek public comments. Nelson Disco asked about the staff recommended condition regarding state approvals and if any state approvals are needed. Mr. Turner stated that he believes it is a standard condition because the town is not responsible for ensuring state approvals are granted, however no state approvals are necessary for this project. Ms. Wolfe confirmed that the condition in question is a standard condition added to all projects.

The Board voted 5-0-0 to accept the application for review, on a motion made by Nelson Disco and seconded by Barbara Healey.

There was no public comment.

The Board voted 5-0-0 to continue the application to July 20th, 2021, on a motion made by Barbara Healey and seconded by Nelson Disco.

9. Discussion/possible action regarding other items of concern

Chairman Best announced that a new Board Member (Jaimie von Schoen) has been approved by the Town Council and will be joining the meetings as soon as she is sworn in.

10. Approval of Minutes — June 1, 2021

The Board voted 4-0-1 to approve the minutes of June 1, 2021 as submitted, on a motion made by Nelson Disco and seconded by Paul McLaughlin. Neil Anketell abstained.

11. Adjourn

The Board voted 5-0-0 to adjourn at 9:51 p.m. on a motion made by Barbara Healey and seconded by Neil Anketell.