



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY MARCH 15, 2022**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, March 15, 2022 in the Matthew Thornton Room.

### Members Present:

- Robert Best (Chairman)
- Lynn Christensen
- Brian Dano
- Nelson Disco – Alternate
- Maureen Tracey - Alternate
- Town Councilor Barbara Healey - Ex-Officio

### Members Absent:

- Paul McLaughlin (Vice Chairman)
- Neil Anketell

Staff Present: Robert Price, Planning and Zoning Administrator

### **1. Call to Order**

Chair Robert Best called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance. Mr. Best appointed Nelson Disco & Maureen Tracey to vote for Paul McLaughlin and Neil Anketell, respectively.

### **2. Planning & Zoning Administrator's Report**

- 3. Aubrey Duplease (applicant/owner)** – Continued review of a Conditional Use Permit 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. This item is continued from the January 4, February 1, and February 15, 2022 Planning Board meetings.

Casey Wolfe began by reminding the Board that the project was originally heard in January and was continued at that time to allow the applicant time to submit a plot plan and to ask the town's Legal Counsel if the garden use is considered agricultural (which it is).

Aubrey Duplease was present to discuss the project with the Board. She explained that she is hoping to open a holistic wellness center at her home by adding a garage to her property that would include a second floor unit consisting of one to two service rooms. In addition to this, she

would like to offer a shared garden but has some follow up questions on whether or not the garden has to be requested with a separate application.

Chairman Best thanked the applicant for providing a drawing of what is being proposed and confirmed that the wellness center and garden can be discussed together. For the sake of the new Board members, he asked Ms. Duplease to elaborate on what she is looking to offer at the Wellness Center. Ms. Duplease responded that she is going to offer life coaching, reiki, and other services such as tarot card readings. As for the agricultural component, she would like to offer a garden share as well as workshops on gardening in New England. Chairman Best asked how many people are anticipated to attend any classes being offered and Ms. Duplease said that she would probably limit it to no more than 10 people per class. She confirmed that she has plenty of space for parking and that she had drawn some proposed spaces on the plan that was submitted. Chairman Best asked about employees and contractors that would possibly be working on site and Ms. Duplease confirmed that the Wellness Center would only have one employee not living on site and the gardens would have volunteers, not employees, unless they hired someone to mow the lawn. The discussion of parking was raised again and Ms. Duplease shared a couple of different options that she is considering depending on the final location of the garage but she did confirm that there would not be any customers or employees parking in the street.

Lynn Christensen asked about snow storage and she Ms. Duplease responded that it is not something she has considered but there are plenty of places for snow to go without impacting parking, especially if she removes the carriage house. Mr. Disco expressed concerns that the applicant is still working through plans and has not decided on anything, including the location of the shed. He then inquired if the yurts and outhouses that were mentioned in the application are still part of the plan. Ms. Duplease explained that the yurts will be done on a separate application when/if she is ready to add them and clarified that the outhouses are just portable toilets. He then asked about the porch/deck that is mentioned in the application because it is not shown on the drawing that was submitted. Ms. Duplease then shared a new/different rendering that shows the porch on the proposed garage. Mr. Disco asked about a remark on the application regarding requesting a second curb cut to enter her driveway and she explained that there is a lip that makes entering into her driveway a little more difficult and has asked if it could be flattened out and was told by several town employees that it could not be done.

Mr. Disco suggested that the applicant submit a drawing that is drawn to scale and Chairman Best reminded the Board that this is a Conditional Use Permit application for a home occupation and not a site plan so submitting a drawing to scale would not be necessary. Ms. Wolfe added that the staff memo outlines the conditions that need to be met for approval to be granted and that staff felt clarification was only needed on the questions of the number of employees and whether or not a commercial vehicle would be onsite. She also stated that the Board can request that the applicant submit clarification on what the business will entail as a condition of approval. Lynn Christensen agreed with Mr. Disco's concerns that the applicant seems uncertain of what is being requested and that she presented several different drawings. Ms. Duplease re-stated that she is looking to open a wellness business offering things like life coaching and reiki in a studio above the garage and she would also like to have a shared garden with some gardening/wilderness classes. She added that she was told that she did not need to submit a drawing that was to scale, she just had to show the layout of her land and where the garage was being proposed.

Chairman Best clarified that the reason they are asking about the changes in the plans is because a home occupation has a 500 square foot maximum so the board needs to ensure that requirement is met. Since the proposed studio space is 24x24 that will essentially use up the

entire 500 square feet. He also clarified that they do not necessarily need to know exactly where the parking spaces will be but, they need to feel confident that there is enough room for customers to park. Ms. Duplease stated that the plan that was submitted to the town is the most accurate and they should use that one for the remainder of the discussion. The question on parking was raised again because the drawing that was submitted only shows 6 spaces and 10 customers at one time is being proposed. Ms. Duplease explained that she has decided to move the garage closer to the house and fill in an old foundation that is where the garage is shown on the drawing so when that it done, she can use that area for parking as well.

Brian Dano asked if there will be a commercial vehicle on the property and Ms. Duplease confirmed that there will be only one.

There was no public comment.

**The Board voted 7-0-0 to grant conditional final approval of the conditional use permit, on a motion made by Lynn Christensen and seconded by Barbara Healey. The following precedent conditions apply:**

1. The applicant shall submit to the Community Development Department a revised response to the Zoning Ordinance criteria that was included in their original application, in order to demonstrate full compliance with the Zoning Ordinance in the following manner:
  - a. Applicant shall revise their application response #2 to clearly indicate that only one branded commercial vehicle related to the home occupation will be kept on site and used.
  - b. Applicant shall revise their application response #3 to clearly indicate that the only employees will be the residents of the dwelling, plus a maximum of one external contractor. Further, the applicant shall note that a roster of contractors to select from in order to have a different one on site each day, will not be utilized.
2. The applicant shall submit to the Community Development Department a revised, to-scale plot plan that fully and accurately portrays the applicant's proposed home occupation. Details in this plot plan shall include parking spaces for ten vehicles and the location and orientation of the proposed garage.

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

1. A maximum of ten (10) customer vehicles are permitted on site at a given time in relation to the home occupation.
- 4. Powell Realty of Merrimack (applicant) and Thomas K Powell (owner) – Continued review for acceptance and consideration of final approval for a waiver of full site plan review to allow a caretaker/accessory dwelling unit within an existing restaurant. The parcel is located at 595 Daniel Webster Highway in the C-1 (Limited Commercial), Elderly Housing Overlay and Aquifer Conservation Districts, and Wellhead Protection Area. Tax Map 6D-1, Lot 041. Case # PB2022-10. This item is continued from the February 15, 2022 Planning Board meeting.**

**At the applicant's request, the Board voted 7-0-0 to continue this item to April 5, 2022 at 7:00 p.m. in the Matthew Thornton Room, on a motion made by Lynn Christensen and seconded by Nelson Disco.**

- 5. Chris Ross (applicant) and 702 Daniel Webster Highway, LLC (owner) –** Continued review for acceptance and consideration of final approval for a Conditional Use Permit and Site Plan to construct a 592-unit 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. Case # PB2022-14. **This item is continued from the March 1, 2022 Planning Board meeting**

The Board discussed the request and decided that the applicant needs more time to provide all of the documents that have been requested by staff so they decided to continue the case until May 17<sup>th</sup>. They also discussed the potential that an NHDES Alteration of Terrain permit may be needed for this site and asked Ms. Wolfe why the Conditional Use Permit (CUP) is not being done as a separate application. Ms. Wolfe was unsure why the CUP was combined with the Site Plan but said she would look into it. Mr. Disco also called out that the application is missing building elevations.

**The Board voted 7-0-0 to continue this item to May 17, 2022 at 7:00 p.m. in the Matthew Thornton Room, on a motion made by Lynn Christensen and seconded by Barbara Healey.**

**9. Discussion/possible action regarding other items of concern**

- Ms. Wolfe explained that the FAA is planning to add solar panels to their property located at 25 Robert Milligan Parkway. Since this is a governmental land use, they do not require Planning Board approval, however, the Board has the right to request a non-binding public hearing. Councilor Healey stated that she would like a hearing so that they can provide feedback on landscaping because solar arrays are not attractive.

**By consensus, the Board decided to require a non-binding public hearing under RSA 674:54 for a proposed solar array at the FAA site (25 Robert Milligan Parkway).**

- Chairman Best advised the Board that they are going to have a non-meeting with legal counsel at 6:00 pm on April 5<sup>th</sup> to discuss the Star Drive project.

**10. Approval of Minutes — March 1, 2022**

**The Board voted 5-0-2 to approve the minutes of March 1, 2022, with amendments, on a motion made by Lynn Christensen and seconded by Jaimie von Schoen. Jaimie von Schoen and Brian Dano abstained.**

**11. Adjourn**

**The Board voted 7-0-0 to adjourn at 8:00 p.m. on a motion made by Barbara Healey and seconded by Nelson Disco.**