



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MARCH 17, 2015

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Desirea Falt, and Alternate Nelson Disco (arrived 7:50 p.m.).

Planning Board member absent: Michael Redding.

Staff present: Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m.

2. Planning & Zoning Administrator's Report

Chairman Best informed the Board that he will be part of the interview committee that will interview a candidate for the vacant full member position on March 18, 2015.

Jillian Harris stated that staff found a Camp Young Judea project proposed in Amherst to be of no impact for Merrimack, following a courtesy notification from the Amherst Planning Board.

The Board voted 5-0-0 to determine that the Lynn M. Waller Subdivision is not of regional impact, on a motion made by Lynn Christensen and seconded by Alastair Millns.

- 3. Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners)** – Review for consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. *This item is continued from the December 16, 2014, January 6, 2015, January 20, 2015, and February 17, 2015, Planning Board meetings.*

At the applicant's request, the Board voted 5-0-0 to continue this item to April 21, 2015, in the Matthew Thornton Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.

- 4. Lynn M. Waller (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a minor subdivision of one lot into two single-family residential lots located at 9 Lester Road in the R-1 (Residential) District. Tax Map 4B, Lot 014.

Frank Waller, 9 Lester Road, stated that the Zoning Board of Adjustment (ZBA) granted a Variance to allow the subdivision of the 6-acre lot between Lester Road and the Souhegan River into two parcels. One would be 2.37 acres and the other would be 3.6 acres. The Variance allows Lot A to have 151' of frontage rather than the required 250'. The proposed lot complies with acreage, depth and width regulations. There will be no encroachment on any

neighboring property. The Wallers rebuilt the home and barn in 2000 and propose to build a new home on the other property and sell the existing home. They agree to all staff conditions.

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 5-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

There was no public comment.

The Board voted 5-0-0 that a sidewalk is not necessary for this minor subdivision, under Section 4.07 of the Subdivision Regulations, on a motion made by Desirea Falt and seconded by Lynn Christensen.

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 5-0-0 to grant Final Approval, with the following conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen.

1. Final plans to be signed by the Applicant and Property Owner;
2. Applicant shall obtain State subdivision approval from NHDES and provide a copy of the permit to the Community Development Department;
3. Applicant shall address the following comments from the Department of Public Works:
 - a. The existing fence should be relocated outside of the Town's Right of Way;
 - b. The existing timber landscape boxes should be removed from the Town's Right of Way;
 - c. Add a note requiring a right of way permit to be obtained from the Highway Division for the construction of the new driveway;
 - d. Add a note stating bounds to be installed in lawn areas should be minimum 1" above finish ground grade;
4. Address any forthcoming comments from the Fire Department;
5. Address any forthcoming comments from the Conservation Commission (as applicable);
6. Address planning staff technical comments. (below)

Planning Staff Technical Comments

1. Applicant to add address to the title of the plan;
2. Add a note to the plan indicating which sheets are to be recorded at HCRD and that a full set is on file with the Community Development Department.

General and Subsequent conditions

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.

- 5. G. Nasr Realty, LLC. (applicant/owner)** – Review for consideration of a reinstatement of conditional final site plan approval and a six-month extension to comply with conditions of approval (granted by the Planning Board on February 18, 2014) for a site plan proposing to construct a 530 s.f. donut shop addition with a drive-thru and related parking at 715 Daniel Webster Highway. The parcel is located in the C-2 (General Commercial) District. Tax Map 7E, Lot 010 & 054-01.

Tony Basso, Vice President, Keach-Nordstrom Associates, Inc., said there is a 530 square foot addition plus a drive-through lane for a donut shop in the rear. The applicant seeks an extension while trying to finalize a deal with a tenant.

Chairman Best noted that there have been no changes made to the Zoning Ordinance and Site Plan Regulations that impact this project since it was initially approved.

Nelson Disco arrived at 7:50 p.m. Chairman Best designated Nelson Disco to sit for the vacant full member position.

The Board voted 5-0-1 to reinstate conditional final approval and to grant a one-year extension, with the following conditions, on a motion made by Lynn Christensen and seconded by Desirea Falt. Nelson Disco abstained.

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. 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) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
3. The applicant shall obtain an Equitable Waiver from the Zoning Board of Adjustment, and note such approval on the final plan;
4. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
5. Any signage changes must comply with the sign regulations (Section 17 of the Zoning Ordinance and if illuminated, Section 11.10 of the Subdivision Regulations) and be properly permitted by the Building Department;
6. The applicant shall address any forthcoming comments from the Fire Department, Building Department, and Public Works Department as applicable;
7. The applicant shall address all applicable comments from the Town's peer-review consultant, CLD;
8. Applicant to add a striped crosswalk from ADA compliant parking spaces to convenience store entrance to Staff's satisfaction;
9. Address the following planning staff technical comments:
 - a. Please also note on the Landscaping and Lighting Plan where the "Employee Parking Only" sign(s) will be placed;
 - b. Please revise the parking calculations on Sheet 3 of 7 to state: "858 s.f. of warehouse/storage (1 space), 42 s.f. of office (1 space), 1,690 s.f. of convenience store (8.45 spaces), 3 employees for gas station (3 spaces) totaling 13.45 rounded to 14 spaces required, 14 provided (including 1 ADA space)";

- c. Please add architectural renderings noting materials, colors, and roof height, to the plan set and number the pages accordingly.

General and Subsequent condition

1. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) detailing site improvements to the Community Development Department prior to the issuance of a Certificate of Occupancy.

6. Pennichuck Water Works, Inc. - General Discussion of proposed Raw Water Main Project.

John Boisvert, Chief Engineer, Pennichuck Water Works, Inc., explained that the primary water source is Pennichuck Brook and the secondary water source is intake from the Merrimack River. Because the F.E. Everett Turnpike and the railroad are sources of potential contamination, Pennichuck wants to have two independent water sources should one fail. The new pipeline would go from Manchester Street to Pennichuck Brook, through Southwood Corporation land to below the Harris Dam. Pennichuck will hold a public meeting before the Manchester Street Bridge re-opens. It is working with the Public Works Department about restoring Manchester Street. Construction is anticipated for mid-May to late July 2015. A 36" pipe will take water from the 30" pipe. Although a maximum of 30 million gallons a day can be pumped from the Merrimack River, demand is only 10-20 million gallons a day, depending on seasonal conditions. Therefore a 30" pipe is adequate.

Chairman Best urged Pennichuck to close the gap on the Manchester Street sidewalk. John Boisvert would consider installing a sidewalk, depending on which side of the street the pipe would be installed.

John Boisvert said the funding source is the NH Recovery Loan Fund. He is working with the Department of Environmental Services (NHDES), Fish and Game, National Heritage, and an archaeologist. Southwood Corporation and Pennichuck own all the land that would be used. The new pipe would tie into the pen stock or into a different and more modern pipe, but not into the supply pond. It would be buried in 8 ft. of sand. When the project is complete, the area will be re-seeded. The pipe will go into the trees, where it cannot be seen. It is anticipated that the pipe will have an 80-year life span. If the monitors detect a leak, the pipe will be shut off.

Alastair Millns noted that Planning Board approval is not necessary for a public utility. This is an informational presentation only.

7. Discussion/possible action regarding other items of concern

Desirea Falt announced that the Bicycle and Pedestrian Committee will make an initial report to the Town Council on April 23, 2015.

8. Approval of Minutes – February 17, 2015

The minutes of February 17, 2015, were approved, with changes, by a vote of 6-0-0, on a motion made by Lynn Christensen and seconded by Desirea Falt.

9. Adjourn

The meeting was adjourned at 8:20 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.