



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MARCH 3, 2020

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, March 3, 2020 in the Matthew Thornton Room.

Robert Best, Chairman presided.

Members Present:

- Alastair Millns (Vice Chairman)
- Neil Anketell
- Nelson Disco
- Councilor Bill Boyd, Ex-Officio (Arrived at 7:08 PM)

Members Absent:

- Dan Ricker
- Paul McLaughlin
- Lynn Christensen

Staff Present: Robert Price, Planning & Zoning Administrator

1. Call to Order: Chairman Best called the meeting to order at 7:00 p.m. and appointed Nelson Disco into a voting position in place of Lynn Christensen.

2. Planning & Zoning Administrator's Report

Robert Price advised the Board that the Zoning Amendment Public Hearing that was tentatively scheduled for April 7th is being rescheduled to April 21st.

Robert Price presented the Staff recommendations on regional impact determinations.

The Board voted 4-0-0 to determine that the PMG Site Plan, Stewart/Heath Lot Line Adjustment and Stewart Site Plan are not of regional impact, on a motion made by Alastair Millns and seconded by Nelson Disco.

3. Petroleum Marketing Group, Inc. (applicant/owner) - Review for acceptance and consideration of a site plan to raze and re-build an existing gas station/convenience store. The parcel is located at 1 Continental Boulevard in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 054-01. Case #PB2020-06.

Councilor Boyd arrived at 7:08 p.m.

Robert Price began by explaining that Staff received feedback on the plans from both Fuss & O'Neill and the Department of Public Works and there are a number of errors that need to be fixed. Because of this, Staff is recommending that the Board listen to the applicant's presentation but not accept it until the plans can be revised.

Jesse Cokeley (Maser Consulting, P.A.), Courtney Herz (Sheehan, Phinney, Bass & Green, P.A.) and Gary Kilfeather, (Petroleum Marketing Group) represented the applicant (Petroleum Marketing Group, Inc.) and presented the project to the Board. Mr. Cokeley began by summarizing the existing layout of the lot, explaining that it is surrounded by commercial use properties and a strip of land owned by the NH Department of Transportation (DOT). He then walked through the existing conditions, describing the 1,800 s.f. convenience store, canopy that houses 4 multi-product dispensers and existing curb cuts (currently there are three). Mr. Cokeley went on to explain the intentions of the project, which are to raze and rebuild the site to include a 3,600 s.f. convenience store with a drive through component, a canopy that houses six multi-product dispensers and a total of 22 parking spaces. He also added that the number of curb cuts will be reduced from three to two.

Chairman Best thanked Mr. Cokeley for the presentation and asked if he could provide more detail about the proposed canopy. Mr. Cokeley responded that the canopy is typically dictated by the gas brand and they are anticipating that this location is going to remain a Gulf station. Gulf just released some new branding for their signage that includes a more modern looking canopy; however, it will not necessarily match the building architecture. Mr. Cokeley stated that they will provide some elevation views for the Board to review.

The truck maneuvering pattern was discussed as the Board is concerned with the tight turning diameters at the location. The Board questioned whether or not there is already a tenant for the proposed drive through as eliminating that component would allow more room for the delivery trucks to maneuver around the site. The Board requested additional information on the traffic circulation plan, specifically where possible vehicular conflicts could take place. Landscaping was also discussed and Mr. Cokeley answered some questions about the types of trees being planted and promised to get the Board the information on the full growth heights. Neil Anketell asked about snow storage and Mr. Cokeley responded that they still need to look into it. Chairman Best asked what is being done for snow removal at the site today and Mr. Cokeley replied that he believes it is currently stored at the southerly part of the site, which would not be feasible with the proposed plan.

Nelson Disco asked for clarification on the lighting waivers and asked if Fuss & O'Neill had provided any feedback on them. Robert Price responded that Fuss & O'Neill merely commented that a waiver had been requested and did not provide any feedback. Nelson replied that he would like Fuss & O'Neill to provide us feedback on the lighting waivers. Nelson also asked the applicant if they had given any thought to electric vehicle charging stations. Gary Kilfeather answered Nelson's question by indicating that the applicant is researching their feasibility for the site and they are trying to incorporate them into all of their rebuilds.

Chairman Best requested a summary of the waivers being sought for the project. Mr. Cokeley walked the Board through the six waivers being requested which are related to landscaping and lighting (the specific details of these waivers can be found in the application file at the Community Development Department).

Drainage was briefly discussed and Mr. Cokeley walked the Board through the design indicating that they are looking to mimic the existing structure design. Chairman Best responded by indicating that the applicant should work with the Public Works Department to satisfy their questions and concerns.

Chairman Best also advised Mr. Cokeley that they should try to meet with the Conservation Commission before the next hearing with the Planning Board because the Commission's recommendations will be part of any approvals granted by the Board. Robert Price explained that April 21st was chosen as the recommended continuation date because Staff will need approximately three weeks to get departmental feedback which gives the applicant approximately a month to get the plans revised.

There was no public comment.

The Board voted 5-0-0 to continue both the application's acceptance and public hearing to April 21, 2020, on a motion made by Bill Boyd and seconded by Nelson Disco.

4. **John Stewart (applicant) and AMNI Merrimack Realty, LLC & Gloria Heath (owners)** - Review for acceptance and consideration of final approval for a lot line adjustment. The parcels are located at 21 and 25 Craftsman Lane in the R-1 (Residential, by soils), Aquifer Conservation District and Wellhead Protections Area. Tax Map 2A/005 & 2A/006. Case # PB2020-07.

Robert Price began by explaining that after reviewing the information provided, staff recommends that this project should not be accepted because it is incomplete. The plans that were submitted for the lot line adjustment do not include the full boundaries for both impacted lots as required by the Town's Subdivision Regulations. The applicant has submitted a waiver requesting that they be allowed to proceed with the boundaries as submitted, however he noted that the regulation cited in the waiver is incorrect. The section referenced in the waiver was 4.05.b, but it should have been 4.06.1. He concluded by advising the Board that although Staff is not in favor of granting the waiver, they did confirm that the Hillsborough County Registry of Deeds would in fact record the plan with incomplete boundaries if it were approved by the Board.

Tom Burns, (TF Moran, Inc.) began by summarizing the request for the lot line adjustment by explaining that the land being transferred from Map 2A, Lot 006 (approximately 8,000 s.f.) will be used for onsite parking for the proposed martial arts studio. Mr. Burns walked the Board through the plan that was provided and explained that the reason that they were unable to provide the full boundaries for 21 Craftsman Lane was because the surveyors were unable to accurately pinpoint the lot line on the west side of the parcel. The deeds that were researched had conflicting information so they tried to locate the markers on the land itself; however they were not able to find anything as the area is mostly dense swampland. As the members of the Board discussed the necessity of the complete boundaries amongst themselves, Robert Price added a reminder from the Community Development Director (Tim Thompson) that the lot is located in the R-1 zone so the presence of wetlands does come into play and lot size and contiguous upland requirements need to be considered post-adjustment. The Board opted against making a decision on the waiver request at this time in order to allow Mr. Burns time to speak with his client about potential options should the waiver be denied.

The Board voted 5-0-0 to continue both the application's acceptance and public hearing to April 7, 2020, on a motion made by Bill Boyd and seconded by Nelson Disco.

5. **John Stewart (applicant) and AMNI Merrimack Realty, LLC (owner)** - Review for acceptance and consideration of a site plan for a professional office, martial arts studio & after-school program, and associated site improvements. The parcel is located at 25 Craftsman Lane in the R-1 (Residential, by soils), Aquifer Conservation District and Wellhead Protections Area. Tax Map 2A/005. Case # PB2020-08.

Due to the continuance of the lot line adjustment (case # PB2020-07), this project was not presented.

The Board voted 5-0-0 to continue both the application's acceptance and public hearing to April 7, 2020, on a motion made by Bill Boyd and seconded by Alastair Millns.

6. Discussion/possible action regarding other items of concern

- **Establishment of Performance Bonds for Level Acres Phases I & II**

Robert Price summarized this request by explaining that the majority of this subdivision was built out after it was first approved by the Board of Selectmen in the 60's, but several lots remain unbuilt. The new owners are working on building out the remaining lots and the upgrades to the existing roads are necessary in order to complete that task. The question about the lots being wet was raised by Nelson Disco and Robert explained that although some of the lots are wet, there are viable lots that can be built and do not need additional Planning Board approval, and those are the lots the current owner is focusing on.

The Board voted 5-0-0 to establish a performance bond for the Level Acres subdivision, Phase I, Cathy Street, Constance Street & Brick Lane in the amount of \$485,463.45, and to establish a performance bond for the Level Acres subdivision, Phase II, Reeds Ferry Way & Level Street, in the amount of \$406,969.49, on a motion made by Alastair Millns and seconded by Bill Boyd.

- **The DOT widening of 101A**

Councilor Boyd summarized the presentation that the Town Council received from the DOT on February 27, 2020 regarding the widening of 101A. The modified plan that was presented will provide improvements to Boston Post Road and Craftsman Lane as well as the intersection of Industrial Drive and Continental Boulevard. It does not however, provide three lanes heading into Nashua on 101A.

7. Approval of Minutes - February 18, 2020

The Board voted 3-0-2 to approve the minutes of February 18, 2020, as submitted, on a motion made by Alastair Millns and seconded by Nelson Disco. Bill Boyd and Neil Anketell abstained.

8. Adjourn

The Board voted 5-0-0 to adjourn at 8:51 p.m., on a motion made by Bill Boyd and seconded by Alastair Millns.