



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY MARCH 7, 2023**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, March 7, 2023 in the Matthew Thornton Room.

### Members Present:

- Robert Best (Chair)
- Brian Dano
- Lynn Christensen
- Jaimie von Schoen
- Nelson Disco – Alternate

### Members Absent:

- Paul McLaughlin (Vice Chair)
- Neil Anketell
- Maureen Tracey – Alternate
- Haleem Mediouni - Alternate
- Town Councilor Barbara Healey - Ex-Officio

Staff Present: Robert Price, Planning & Zoning Administrator

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

Chair Robert Best called the meeting to order at 6:30 p.m. and led everyone in the Pledge of Allegiance. He then seated Alternate Nelson Disco for Neil Anketell.

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

None.

### **3. Consent Agenda**

- Extension request: Commerce Park Access Road Site Plan (#PB2021-29)*
- Extension request: Twin Bridge Apartments (#PB2022-25)*

**The Board voted 5-0-0 to approve the consent agenda, on a motion made by Lynn Christensen and seconded by Brian Dano.**

- 4. As Life Goes On, LLC (applicant) and Gordon House Assisted Living Residence (owners) –**  
Continued review for consideration of final approval for an amendment to a conditionally approved site plan to raze and rebuild a portion of the existing building to convert it to a 24 bed

assisted living facility. The parcel is located at 585 Daniel Webster Highway in the C-1 (Limited Commercial), R-4 (Residential), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 6D-1, Lot 46. Case #PB2020-27. ***This item is continued from the December 6, 2022, January 3 and February 7, 2023 Planning Board Meetings.***

Robert Price offered some background information on this project by indicating that the plan was originally conditionally approved in late 2020 but is back before the Board with revisions to that plan because it was discovered that a portion of the original building could not be salvaged and needs to be re-constructed. The applicant presented the revisions during the January 3, 2023 Planning Board meeting and the Board had several questions and concerns. The applicant is back to share more complete renderings of the building and to discuss some of the points raised at the last meeting.

Chad Branon (Fieldstone Land Consultants, PLLC) & Keri Owen (Northpoint Construction Management) presented the application to the Board. Mr. Branon began by describing some of the damage that was found in the original building that created the need to reconstruct a portion of the building. He added that the applicant is committed to maintaining the Victorian style of the building and that he has new renderings to share that were not available at the last meeting.

Mr. Branon went on to explain that the only changes made to the plans since the original approval are related to the new construction. The Board agreed to the construction of a sidewalk along DW Highway with no curbing because of the puddles curbing would cause and there was not any agreement or even any discussion about a sidewalk along Maple Street in the original approval. The grading along Maple Street is not as flat as DW Highway so adding a sidewalk here would cause a significant financial burden to the applicant. He asked the Board to reconsider this request as it was not part of the original approval and the focus in the Town's master plan is DW Highway and not any of the side streets.

Mr. Branon then turned his attention to the existing horseshoe driveway and parking. He addressed the request from the Board to remove the horseshoe driveway first, stating that the applicant is agreeable to this change and so is the Merrimack Fire Department so the driveway will be removed. This change will also create a reduction in the impervious surface area which is a positive change. As for the parking available on site, Mr. Branon pointed out that there were no concerns with parking when the original conditional approval was granted in 2020 and the current design meets the requirements outlined in the site plan regulations.

The last topic Mr. Branon discussed before taking questions from the Board was an encroachment issue toward the back of the property. He explained that the property has split zoning so the original design encroached into the rear setback as a result of the zoning district line and change in setbacks in the area. The applicant had the choice between going to the Zoning Board to request a variance or redesigning the building to avoid the encroachment and he has chosen the latter.

Nelson Disco asked about the signs that are shown on the site plan and what is going to be done with them. Mr. Branon responded that they are existing signs and noted they will be removed, adding that any new signs that will be erected will be handled through the sign permit process. Mr. Disco and Chairman Best advised that the signs should be noted on the plan as "to be removed".

Chairman Best commented that he was not at the January 3<sup>rd</sup> meeting when the plans were first discussed but he feels that the horseshoe driveway is not something the Board should provide comments on as it is not violating the site plan regulations.

Lynn Christensen asked if the stem off of the horseshoe driveway is also being removed and Mr. Branon confirmed that it is.

Mr. Branon handed out copies of the most recent external renderings of the building to the Board that were created by Northpoint Construction Management. Keri Owen from Northpoint Construction Management spoke about the design in detail and expressed the applicant's desire to restore the original look of a New England barn and to tie in seamlessly to the historic vernacular of the original home by using similar details and materials. She shared details of the materials that are being used with the Board

The Board discussed the sidewalk on Maple Street and several Board members shared their opinion that the DW Highway sidewalk is necessary but the Maple Street one is not. Mr. Price directed the Board back to several comments that were outlined in the staff memo regarding sidewalks. One recommends that the Board request the applicant upgrade the existing flagstone walk currently shown on the plan as it is likely more of a hazard than a benefit to the proposed occupants of the building in its current condition. The second one suggests the Board consider requesting the applicant connect the internal sidewalk that is adjacent to the parking lot to the sidewalk along Daniel Webster Highway, since it currently terminates at the end of the parking lot. After a brief discussion, the Board agreed that the flagstone walkway needs to be revitalized and the internal sidewalk should connect to the one along DW Highway. Chairman Best asked the Board to weigh in on the parking requirements as it was discussed as a possible concern during the January 3<sup>rd</sup> meeting. Mr. Disco and Mrs. Christensen both expressed their opinions that the parking is adequate and Chairman Best agreed, however he did remind Mr. Branon that the applicant needs to ensure he has an adequate number of spaces so people are not parking along the street.

No public comments were received.

**The Board voted 5-0-0 to grant conditional final approval to the amended site plan subject to subject to the following precedent conditions to be fulfilled within 6 months and prior to final approval (signing) of the plan, unless otherwise specified, on a motion made by Brian Dano and seconded by Lynn Christensen:**

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. 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 indicate on the plan that the existing flagstone walk area is to be revitalized.
6. The applicant shall connect the proposed sidewalk adjacent to the parking lot to the proposed sidewalk along Daniel Webster Highway.
7. The applicant shall and indicate all existing signage as “to be removed” on the plan.
8. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable.
9. The applicant shall address the following comments from the Public Works Department & Wastewater Division:
  - a. The applicant shall be required to set the monuments in accordance with the regulations. On this site one monument falls within the pavement and stone or concrete monuments cannot be set. If the Planning Board approves, the DPW would approve these being marked by some other means such as a nail/spike/other or as noted offsets.
  - b. The engineering design, construction and testing of the sewer line shall conform to the Town of Merrimack Sewer Use Ordinance currently adopted, Chapter 158 of the Town of Merrimack Code and the Town of Merrimack Department of Public Works – Wastewater Treatment Facility – Sanitary Sewerage Engineering Standards (SSES) as last revised. Also the State of New Hampshire Department of Environmental Services (NHDES) Standards for Design and Construction of Sewerage and Wastewater Treatment Facilities, Env-Wq 700, latest revision. The sewer design has completely changed since the last set of plans, see comments relating to the new sewer design below.
  - c. All applicable Sanitary Sewerage General Notes as outlined in SSES S2-04.8 shall be added to the sewer plans. Notes 6, 7, 10, 11, 12, 13, 15, 17, 18 and 23 need to be added to sheet 5 and all applicable sewer notes shall be labeled Sanitary Sewerage General Notes.
  - d. A sewer manhole shall be provided for access to the sewer lateral line at SSES S03-02.8.b:
    - i. A sampling station for testing is required for all commercial users. The manhole specified for sampling must be labeled on the plans.
  - e. The sewer profile Titles on sheet 11 of 12 appear to be mislabeled. The sewer line Profile A-A with the grease trap should be coming from the proposed building and profile B-B is coming from the existing building.
  - f. The Sewerage Lateral Under SSES S3-07.1 shall be:
    - i. A minimum of 8 inches
    - ii. The minimum slope shall be 2 percent

- iii. All lateral sewer clean-outs on commercial and multi-family projects shall include at-grade access with covers. Cleanouts shall be the same diameter as the lateral and brought up to grade and capped. Lateral pipe sizes and slopes shall be labeled on the plans.
- g. Clearances to other utilities shall be per SSES Section S3-13 and shall be noted/detailed on the plans as applicable.
- h. On Sheet 5 a note shall be added to the plan in regards to the Abandoning of Facilities per SSES S5-30.1 and SSES S6-14.
- i. Sheet 5 of 12 SMH 1 needs to contain the invert information for the existing 12 inch pipe and the connection into the SMH. This would be a good location for the sampling manhole since there is flow from 2 distinct lines at this point.
- j. A Grease Interceptor shall be located outside the building within twenty feet of the driveway for access by maintenance vehicles. All applicable notes and details shall be added to the plan per section SSES S3-12.2. The Grease interceptor shown does not meet this requirement.
- k. The grease interceptor detail on sheet 10 shall be designed, sized and constructed per SSES S4-11 and S5-18. The concrete shall have a strength of 4500 PSI at the 28 day test. The covers and baffles must be compliant with SSES S4-11.
- l. Sheets 5 & 11 clarify the lateral pipe sizes. Sewer laterals shown in 6 and 12 inch sizes.
- m. Sheet 12 the Drop manhole detail is not compliant with the Town of Merrimack construction detail SSES
- n. Sheet 12 the Standard Manhole Detail must be compliant with the SSES S4-08 and S5-08.2. Standard Manhole Detail Part A
- o. Gravity Sewerage Pipe & Fitting materials shall conform to SSES S4-02 and Env-Wq 704.05 and shall be noted on the plans as follows:
  - i. All PVC sewer pipe and fittings manufacture and installation shall meet or exceed the ASTM D3212-07 (2013) recommended specifications, unless otherwise specified, and all installation shall be in strict compliance with the manufacturer's directions. All pipe shall be clearly marked with the date of manufacture. All pipes shall be fabricated from a reference mark for proper spigot insertion. Joint gaskets shall be fabricated from a compound of which the basic polymer shall be a synthetic rubber consisting of styrene, butadiene, polyisoprene or any combination thereof and shall meet the requirements of ASTM D-3212.
- p. A backwater valve shall be provided per section SSES S4-12. A detail provided on the plans and it shall be shown on the profile section. Construction shall be per section SSES S5-19. There shall be access to the unit from the surface. The top shall have be capped for ease of access.

- i. Sheet 12 – House Sewer Detail shall show the backflow preventer within 2 feet of the building and shall be located on the plans Sheet 5 also.
  - ii. Sheet 12 – House Sewer Detail have not shown the cleanout and back water valves being brought up to grade with a sleeve of the same size as the lateral and capped.
- q. A note shall be added to the plans that all Sewer construction, inspections, testing, quality control shall conform to the methods and requirements under SSES S5. The Pre-Treatment Manager and the Health Officer shall both have unlimited access to the Grease Interceptor and the Sewer Manhole for testing and compliance standards.
- r. Sheet 12 the inside drop manhole detail shown on the plans is not compliant with the Town of Merrimack specifications. See the SSES construction detail section. In addition:
  - i. The Standard Manhole Detail – Part A Note 8 must be compliant with SSES S5-08.2 Manholes.
  - ii. The Standard Manhole Detail – Part A Note 11 must be compliant with SSES S5-08 Manhole Construction.
  - iii. The Standard Manhole Detail – Part A Note 17 must be compliant with SSES Rev. 2015 or latest revision, (not the Town of Merrimack Standard Specification of Road Construction.
  - iv. The Standard Manhole Detail – Part B Remove Non-Shrinking Mortar detail as soul means of pipe to manhole connection, must be made by gasketed connection per SSES S5-08 Manhole Construction.
- s. The development has provided for a part of the drainage from the new parking lot be caught with a catch basin. However, a part of the parking lot and driveway will bypass the proposed catch basin and run directly into Maple Street. This runoff shall also be controlled and treated on the lot and shall not be allowed in the street. There is nothing to stop the runoff from going right past the Catch Basin.
- t. Treatment shall be provided along Maple Street and Pleasant Street to minimize the amount of drainage currently being directed into the paved street areas.
- u. An Operations and Maintenance Plan for the on-site drainage systems shall be prepared and followed to provide yearly inspection reports on the drainage system. The requirements will be run with the property and shall be transferred in the event of a sale of the property to continue in the future. This shall be noted on the plans.
- v. Due to the steepness of the parking area there is concern about the drainage and it running into Maple Street. There is no drainage along that side of Maple Street and currently the drainage runs into the road.
- w. The Maple Street access for the lot is within 50 feet of the driveway entrance for the lot across the street. The entrance location should be reviewed. Under 2.08.c.6 a sight distance plan shall be provided.

- x. A note shall be added to the plan that any construction or utility work required within the Town Right of Way will require a Right of Way permit. The Permit shall be obtained from the Merrimack Highway Department prior to beginning any work and prior to obtaining any other building permits.
  - y. Drainage along US Route 3 shall also be addressed with the installation of the sidewalk and the vertical granite curb along the edge of the roadway.
  - z. A written easement shall be provided as part of the approval process and shall be reviewed by the Town Attorney. The Easement shall be recorded at the same time as the plans. The easement must be 20 feet wide.
  - aa. The sidewalk construction is the responsibility of the owner to construct and be approved by the Town of Merrimack.
10. The applicant shall address the following Planning Staff Technical Comments:
- a. The applicant shall obtain a variance for the reconstructed building to be located within the R-4 District side setback or revise the design to comply with setback requirements;
  - b. The applicant shall provide the elevation drawings of the revised building in the plan set (currently provided separately) as required by the regulations.

**The following general and subsequent conditions are also 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. *Please note: HCRD requires the site plan bear both a licensed land surveyor's stamp and professional engineer's stamp to be recorded.*
2. The applicant is responsible for recording any proposed easements and/or applicable legal documents at the Hillsborough County Registry of Deeds at the expense of the applicant. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
3. Prior to the issuance of a Certificate of Occupancy or Unit Completion, as applicable, the applicant shall submit a mylar copy of an As-Built Plan, prepared by a NH Licensed Land Surveyor to the Community Development Department. The plan shall contain the information outlined for an Existing Conditions Plan under Section 4.12 of the Site Plan Regulations;
4. The applicant shall provide the .dwg files of the as-built plan to the Public Works Department, and provide paper copies of the as-built plan to any municipal Department that may require them;

5. The applicant shall address any applicable comments from Merrimack Village District related to by-law compliance, ownership/maintenance of water infrastructure requirements, or any other comments deemed to be general and subsequent to this approval;
  6. 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);
  7. 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).
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 a previously approved Mixed Use Development Conditional Use Permit, calling for the replacement of 93,720 s.f. of office space, 37,400 s.f. of retail, 15,800 s.f. of restaurant space and a 5,000 s.f. event center as part of Phase II with 208 multi-family residential units, 5,000 s.f. of office space, 6,500 s.f. of retail space, 8,000 s.f. of restaurant space and a reduction of the 120-room hotel approved as part of Phase I to 100 rooms. The parcels are located at 1, 2, 3 and 4 Lexington Court in the I-2 (Industrial) & Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lots 191-2U1-2U4. Case # PB2023-05. ***This item is continued from the January 17 and February 7, 2023 Planning Board Meetings.***

**The Board voted 5-0-0 to table the application indefinitely, requiring written re-notification of abutters prior to placement on any future Planning Board agenda, on a motion by Nelson Disco and seconded by Jaime von Schoen.**

6. **Mast Road, LLC (applicant/owner)** – Review for consideration of a waiver of full site plan to permit a Contractor's Yard. The parcel is located at Crow's Nest Circle, Tax Map 2D, Lot 21-02. Case # PB2023-09.

Mr. Price prefaced the presentation by explaining that the applicant is proposing to clear 2 acres of land to allow for the storage of earth material and equipment related to sitework construction. The Traffic memo that is mentioned in the staff memo has since been received so if the Board decides to grant conditional approval there are no objections from staff at this time.

Tom Zajac (Hayner-Swanson, Inc.) & Geoff Lynch, (Mast Road, LLC) presented the application to the Board. Mr. Zajac began by providing some general information about the site in question (i.e. location, size, etc.) and reiterating the use that is being proposed. He shared a copy of the site plan that was submitted and discussed the stormwater management plan. He then summarized the results of the traffic memo which concluded that the use will not have a measurable impact on traffic for either the DW Highway or Mast Road, Mr. Zajac continued by stating that given the minor nature of the project and the overall size of the property, a waiver of full site plan review is requested. He then reviewed the reasons the applicant feels a waiver of full site plan is appropriate for this project and took questions from the Board.

Mr. Disco asked if the property is located in the floodplain and Mr. Zajac responded that it is in Zone X which is not within the 100 year floodplain. He then asked if a boundary survey was conducted on this site. Mr. Zajac responded that a boundary survey was not completed and is part of the request for the waiver of full site plan. Chairman Best expanded upon Mr. Disco's question

by explaining that when the land was subdivided several years ago, he recalls the applicant having to request relief from the requirement of setting all boundary monuments due to the wetlands on the property.

Mr. Disco asked what type of vehicles were considered in the traffic study and Mr. Zajac replied that the traffic to and from the site would be primarily pickup and dumpster trucks.

The discussion of completeness was raised by Chairman Best and Mr. Price interjected to advise the Board about a recent legislature change that prohibits an application that does not comply with the town's regulations from being accepted unless a variance or waiver is granted first. This change means that the Board has to grant the waiver of full site plan prior to accepting the application as complete.

**The Board voted 5-0-0 to grant the waiver of full site plan review, citing that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations, on a motion made by Lynn Christensen and seconded by Brian Dano.**

**The Board voted 5-0-0 to accept the application as complete for review, on a motion made by Brian Dano and seconded by Nelson Disco.**

Chairman Best asked about the materials that are going to be stored on site because some recycled materials (such as asphalt) are actually considered hazardous waste. Mr. Zajac advised the Board that the applicant will primarily be crushing/grinding gravel and concrete to make various construction materials. Chairman Best then asked if an Alteration of Terrain (AoT) permit is needed from DES and Mr. Zajac replied that an AoT permit is not needed. The discussion continued around the other various materials that may be stored on site and what does and does not need to be kept under a protective covering. Mr. Zajac confirmed that there will be a rock crusher on site and the Board questioned whether or not it would be considered a structure. Mr. Price verified that since the machine is portable, it is not considered a structure. He also confirmed that the entire site is within the Aquifer Conservation District.

Geoff Lynch summarized the various work that his company performs and outlined some of the materials that will be stored on site, adding that none of the material is hazardous. He also confirmed that they would be crushing concrete on site which reignited the discussion about wanting to know if any of the material being stored onsite is bad for the aquifer/environment. Mr. Disco shared his opinion that he feels that they need more information about what exactly is going to be stored on site as the applicant has provided slightly different explanations each time the topic has been raised. He also feels that if there are going to be workers on site, they should have bathroom facilities and Mr. Lynch said that there would be a portable bathroom onsite. Mr. Disco expressed that the portable bathroom should be shown on the plan and Mr. Lynch clarified that he is just looking to use the site for material storage right now and he might apply for site plan approval at some point to add a building to the site and expand the operation but he is not ready for that yet. He then walked through the list of materials that would be stored on site (loam, compost, gravel, crushed stone, reclaimed concrete, salt, etc.) and Chairman Best shared his concerns that reclaimed concrete is the item that he would like to know more about and suggested that the applicant obtain a letter from DES prior to the Board rendering a decision outlining whether any of the materials being proposed to be kept on site would trigger any sort of additional review or concern for them. He also noted that the State of NH does not regulate

reclaimed concrete as a hazardous material unless it is painted concrete. Mr. Zajac questioned which jurisdiction at NHDES would be able to provide what the Board is seeking.

### **Public Comment**

Chad Branon (Fieldstone Land Consultants) stated that he has worked on similar projects in the past and the letter from DES that was discussed would typically come from the Solid Waste Management Bureau.

**The Board voted 5-0-0 to continue the hearing to March 21, 2023 at 6:30 p.m. in the Matthew Thornton Room, with no further written notice to abutters, on a motion by Brian Dano and seconded by Lynn Christensen.**

7. **Jessica Rork (applicant/owner)** – Review for consideration of a Conditional Use Permit under Section 2.02.1.A.2.f of the Zoning Ordinance to permit a “Family Childcare Home” (as defined by NH State requirements) Home Occupation. The parcel is located at 18 Old Kings Highway in the R-1 (Residential by Soils) District. Tax Map 3B, Lot 216. Case #PB2023-10

Mr. Price prefaced the presentation by indicating that staff recommends that the Board ask the applicant about the number of children that will be cared for in the home as well as the pickup and drop off hours as these two items were not mentioned in the application. If the Board is satisfied with the applicant’s responses, staff supports conditional final approval.

Jessica Rork (applicant) and Wesley Rork (home owner) presented the application to the Board. She explained that she is seeking approval to operate an in-home childcare at her residence and will be providing care for no more than 3 children at a time aged between infant and 5 years old. The hours of operation will be 7am to 5 pm and there is only a small driveway onsite so parents will need to park behind each other if they arrive at the same time for drop-off and pick-up.

Ms. Rork also mentioned that parents will be providing the food for the children she watches and that she has 2 refrigerators that can store any perishable food/drinks. She also discussed plans to have a swing set constructed in the yard for outdoor play and conveyed that there is a pool in the backyard that will not be used by the daycare children and is in the process of being fenced in with a gate that locks so the children will not have access to it. Ms. Rork also confirmed that she will not be posting any signs on the premises and will advertise through Facebook and possibly a website. Chairman Best asked about outdoor lighting and Mr. Rork described all of the lights in the driveway and front entrance.

No public comments were received.

**The Board voted 5-0-0 to find that with the proposed condition of approval, the conditional use permit application meets all applicable regulatory requirements and further, to grant final approval to the conditional use permit subject to the following general & subsequent condition, on a motion made by Lynn Christensen, and seconded by Brian Dano:**

1. The applicant is limited to accommodate a maximum of three (3) children from one or more unrelated families, which exempts them from licensure requirements from the State of New Hampshire. The applicant is required to obtain an amended Conditional Use Permit approval from the Planning Board if they ever desire to accommodate more than 3 children.

8. **Fraser Square Realty, LLC (applicant/owner)** – Review for consideration of a waiver of full site plan to convert an existing mixed use (2 approved units of residential and commercial) property into 6 multi-family residential units. The parcel is located at 2 Railroad Avenue in the C-2 (General Commercial), I-1 (Industrial), Aquifer Conservation, Elderly Housing Overlay, and Town Center Overlay Districts. Tax Map 5D-4, Lot 79. Case # PB2023-11

Mr. Price began by advising the Board that the applicant is looking to convert an existing commercial property into residential units. The site will be comprised of six total units, 4 in the building at the front of the property and 2 in an existing building in the rear. A variance to allow the density was required and granted in January 2023.

Chad Branon (Fieldstone Land Consultants, PLCC) & Mark Rivet, Fraser Square Realty, LLC presented the application. Mr. Branon walked through the layout of the existing buildings on site and how they would be converted in order to achieve the six units being requested. Mr. Branon went on to say that the applicant is seeking a waiver of full site plan because the proposed site improvements are negligible. Mr. Branon shared a copy of the site plan to demonstrate where a parking space is going to be added in the rear of the building and the location of where two are being removed in the front. The net result is a reduction in impervious service area for the site. The parking regulations require nine parking spaces for the use being proposed and there will be a total of 11 spaces available.

Chairman Best asked if there would be any benefit to adjoining the two buildings and Mr. Rivet discussed the layout of the property and how from a navigating standpoint it makes more sense to leave them separate. The drainage was briefly discussed and the applicant indicated there are no problems with drainage as the property is pretty flat. Chairman Best asked what the size of the two units in the back will be and Mr. Rivet replied that they will each be approximately 700 square feet and are 1 bedroom units. He also confirmed that there will be no changes to the existing outdoor lighting and used the site plan to demonstrate the location of snow storage. The question as to whether or not ADA parking is needed on site was raised and it was determined to be not necessary since the buildings are not (and do not need to be) ADA compliant.

Chairman Best asked about the landscaping on site and Mr. Rivet summarized the current landscaping and plans to landscape the area in front where the two parking spaces are being removed. The Board then discussed the potential of adding a sidewalk to the front of the property and Mr. Rivet was agreeable to having one in front of the building but it would be too difficult to extend it across the front of the entire property for snow plowing reasons. After a brief discussion the applicant agreed to add a curbed sidewalk to the plan directly in front of the building in the right-of-way.

**The Board voted 5-0-0 to grant the waiver of full site plan review, citing that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations, on a motion made by Nelson Disco and seconded by Lynn Christensen.**

**The Board voted 5-0-0 to accept the application as complete for review, on a motion made by Lynn Christensen and seconded by Brian Dano.**

No Public Comments were received.

**The Board voted 5-0-0 to find that with the granted waiver of full site plan review and the proposed conditions of approval, the site plan application meets all applicable regulatory requirements necessary and further, to grant conditional final approval to the plan, subject to the following precedent conditions to be fulfilled within 6 months and prior to final approval (signing) of the plan, unless otherwise specified, on a motion made by Brian Dano and seconded by Lynn Christensen:**

1. Final plans to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans.
2. The applicant shall note all waivers granted by the Board (including the waiver of full site plan review) as applicable on the plan.
3. The applicant shall address any forthcoming comments resulting from municipal department review, as applicable;
4. The applicant shall add a curbed sidewalk to the plan directly in front of the building in the right-of-way.
5. The applicant shall address the following Planning Staff Technical Comments:
  - a. The applicant has not provided the following required plan notes (from Section 4.11) which need to be added to the plan:
    - i. The plat shall contain the following statement: "The Site Plan Regulations of the Town of Merrimack are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Site Plan Regulations, excepting only any variances or modifications made in writing by the Board or any variances granted by the Zoning Board of Adjustment and attached hereto"
    - ii. Note the following: "If, during construction, it becomes apparent that deficiencies exist in the approved design drawings, the owner shall be required to correct the deficiencies to meet the requirements of the regulations at no expense to the Town"
    - iii. Note the following: "If, during construction, it becomes apparent that additional erosion control measures are required to stop any erosion on the construction site due to actual site conditions, the Owner shall be required to install the necessary erosion protection at no expense to the Town."
    - iv. A note stating: "On-site drainage shall be the responsibility of the owner and a long term inspection and maintenance plan shall be provided at the time of the pre-construction meeting. Every year semi-annual or annual reports shall be submitted to the Community Development Department."
    - v. For parcels within the Aquifer Conservation District and/or a Wellhead Protection Area, a note stating that no salt or chemical de-icers are to be used for winter maintenance, and that winter maintenance shall be performed by a Green Sno-Pro certified (or functional equivalent certification) contractor;

- vi. Note the following: "In accordance with Section 6.01 of the Merrimack Site Plan Regulations and RSA § 676:13, all improvements specified on these site plans shall be constructed, completed, inspected and approved by the Town of Merrimack prior to the issuance of a certificate of occupancy.";
- b. Revise Note 4 to include the Elderly Housing Overlay District and the Aquifer Conservation District.

**The following general and subsequent conditions are also placed on the approval:**

1. 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);
2. 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).
3. The applicant shall address any applicable comments from Merrimack Village District related to by-law compliance, ownership/maintenance of water infrastructure requirements, or any other comments deemed to be general and subsequent to this approval;

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

**10. Approval of Minutes — February 21, 2023**

**The Board voted 5-0-0 to approve the minutes of February 21, 2023 as written on a motion made by Nelson Disco and seconded by Brian. Brian Dano abstained.**

**11. Adjourn**

**The Board voted 5-0-0 to adjourn at 8:25 p.m., on a motion made by Lynn Christensen and seconded by Jaime von Schoen.**