



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

MINUTES

TUESDAY, JANUARY 28, 2014

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Lynn Christensen, Desirea Falt, and Alternate Nelson Disco.

Planning Board members absent: Stanley Bonislowski and Alternate Matthew Passalacqua.

Community Development staff: Assistant Planner Donna Pohli and Recording Secretary Zina Jordan.

1. Call to Order

Chairman Best called the meeting to order at 7:30 p.m. and designated Nelson Disco to sit for Stanley Bonislowski.

2. Planning & Zoning Administrator's Report

None.

3. Discussion of the Capital Improvement Program for the Town of Merrimack. This item is continued from the January 7, 2014 meeting.

Town Manager Eileen Cabanel explained that she tried to find the level at which minimum funding is adequate. Finance Director Paul Micali added that the Town has very little debt because many projects are funded by capital reserve funds. Eileen Cabanel stated that major 2014-2015 projects are \$60,000 for a study of South Fire Station needs and the State bridge program, for which the State pays 80% and the Town pays 20%. Although it was originally planned to do Bedford Road Bridge this year, and McGaw Bridge next year, the plan has changed because those two bridges and the one on US3/D.W. Highway/Baboosic Brook are inter-related. The first bridge project will be the McGaw Bridge in 2014-2015 at \$1.5 million; the next will be US3, which is a federal program; and last the Bedford Road Bridge that came in over half of the Town's budget, but is now a federal program. Paul Micali explained that federal money is available sooner than state money. Merrimack does all the design work, so the projects will be shovel-ready whenever the funding is available. It will not be necessary to raise the sides of the roadbeds or to build retaining walls.

Town Engineer Kyle Fox explained the hydraulics and stated that the bridges would be in better condition and have increased capacity. There will be a sidewalk on both sides of the US3 Bridge. Thanking Kyle Fox for his contributions to the new plan, Eileen Cabanel stated that it saves millions of dollars. Another major change is that there will be no work on the Wire Road intersection this year because of the related bridgework. There will not be enough space for a roundabout there.

Eileen Cabanel explained the stormwater drainage improvements and sewer line extension at Sunset Shores.

The Highway Garage is in appalling condition. A committee and an architectural firm spoke to employees about space needs. The existing structure will be utilized for vehicle storage while the new building is constructed. After that it will be gutted and a new skin added, then used to store some vehicles.

Alastair Millns asked why a new plan is being devised for the South Fire Station when a subcommittee already saw one. Eileen Cabanel replied that the Fire Chief proposed something similar, but it is not a new plan. Paul Micali said that is a conceptual plan; what the committee saw is a starting point.

Nelson Disco asked about the Northwest Fire Station. Eileen Cabanel said the South Fire Station would be done first. She cannot fund 12 new employees and has not received factual data to show the necessity of working on the Northwest Fire Station.

Nelson Disco asked about a sidewalk plan, which Eileen Cabanel said the Planning Board must discuss with Town Council. She always endorses sidewalks, but Town Council has no plan/general rule for them. The only major highway projects that might involve sidewalks are the three bridges and the Wire Road intersection.

Alastair Millns will provide Eileen Cabanel with information about Green SnoPro certification.

The Board voted 6-0-1 to rank Items 1 and 3-17 as “Necessary” and to add a statement to Town Council reiterating their satisfaction at the presence of sidewalks on the Manchester Street, McGaw and US3 bridges and the Wire Road intersection, on a motion made by Alastair Millns and seconded by Lynn Christensen. Tom Koenig abstained.

4. Home Health & Hospice Care and Fredrick L. Grubbs (applicants/owners) – Review for acceptance and consideration of final approval of an application for a Lot Line Adjustment between 210 Naticook Road and 212 Naticook Road. The parcels are located in the R (Residential) and Aquifer Conservation Districts. Tax Map 2B, Lots 324-2-1 & 353. **This item is continued from the January 7, 2014 meeting.**

James Petropulos, Vice President/Principal Engineer, Hayner/Swanson, Inc., said a lot line adjustment would enable the construction of a 26-space parking lot, which is agenda item #5. The site is abutted by residential property on the north and east and by Continental Boulevard on the south. Frederick Grubbs will transfer 1.1 acres to Home Health & Hospice Care and the lot line would be moved 9'. The Grubbs lot would still be a legal lot. Hospice has parking problems, but does not want to pave the garden in the rear.

Staff recommended 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 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

There was no public comment.

Staff recommended conditional Final Approval in accordance with the staff memo.

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Lynn Christensen and seconded by Desirea Falt.

1. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor shall also sign and seal final plans and mylars. In addition to the recordable mylar sheet, the applicant to provide 1 mylar and 4 paper copies of the final plan;
 2. The applicant is responsible for all fees (including \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) associated with recording the plan at the Hillsborough County Registry of Deeds;
 3. Please clarify and revise the note to indicate total frontage for the lot (it should be noted that if Continental Blvd. is considered "limited access" under RSA 230:44, it cannot count as frontage);
 4. Please note the area to be deeded to Map 2B, Lot 324-2-1 on the plan (this amount is noted in Note 5 of the plan).
- 5. Home Health & Hospice Care (applicant/owner) – Review for acceptance and consideration of final approval of an application for a site plan proposing to construct a 26-space parking lot with related site improvements. The parcel is located at 210 Naticook Road in the R (Residential) and Aquifer Conservation Districts. Tax Map 2B, Lot 324-2-1. This item is continued from the January 7, 2014 meeting.**

James Petropulos, Vice President/Principal Engineer, Hayner/Swanson, Inc., said there would be 26 dead end landscaped spaces with and a stockade fence along the Grubb property. Stormwater sheetflows to the existing basin; there are no drainage problems. There is ample capacity and lighting. The Merrimack Conservation Commission (MCC) recommended that the contractor receive Green SnoPro certification.

Staff recommended 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 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

Michael Redding asked about landscaping. James Petropulos said the shed would be removed and a stockade fence added at the request of Frederick Grubbs. The green strip will be landscaped with bark mulch. Some tall pines will be removed and crabapple and fruit trees will be planted.

Alastair Millns asked whether lighting would affect the Grubbs house. James Petropulos said lower poles and downcast luminaries would be installed.

Nelson Disco asked whether the town looked at lighting and drainage, which Donna Pohli said was done. James Petropulos added that there was no CLD review because the plan is simple. It was reviewed in-house.

There was no public comment.

Alastair Millns said a sidewalk is not necessary because the driveway and frontage will not change. James Petropulos stated that a sidewalk waiver was granted in 1999 for the 50' frontage.

Staff recommended conditional Final Approval in accordance with the staff memo.

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Lynn Christensen and seconded by Alastair Millns.

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 note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
4. The applicant shall address any forthcoming comments from the Fire Department, Public Works Department, and Conservation Commission as applicable;
5. The applicant shall consider the use of Green SnoPro certified contractor (or functional equivalent certification) for winter maintenance;
6. Address the following planning staff technical comments:
 - a. Note 2 on Sheet 1 of 5 (Master Site Plan) indicates only 50' of frontage is provided, however, frontage from both Continental Blvd and Christina Road is provided to the parcel. Please clarify and revise the note to indicate total frontage for the lot (it should be noted that if Continental is considered "limited access" under RSA 230:44, it cannot count as frontage);
 - b. Please add appropriate planting details to the landscape plan (Sheet 4 of 5);
 - c. Note 6 on Sheet 5 of 5 (Photometric Lighting Plan) does not appear applicable to this project. Please remove, or revise as appropriate to the proposed project. In addition, revise the light fixture details to show and note that only a flat lens fixture will be installed.

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. KJB Ventures, LLC. (applicant/owner) – Review for acceptance and consideration of Final Approval of an application for site plan review to construct a proposed one-story, multi-tenant 8,060 s.f. professional office (Medical) and retail commercial building. The parcel is located at 4 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 3D, Lot 003-03. This item is continued from the January 7, 2014 meeting.**

At the applicant's request, the Board voted 7-0-0 to continue this item to March 4, 2014, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.

- 7. John T. Zyla (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a waiver of full site plan review proposing to permit a change of use for a commercial/retail public storage facility of recreational vehicles and/o boats in the C-2 (General Commercial) District. The parcel is located at 526 Daniel Webster Highway. Tax Map 5D-2, Lot 001.

Donna Pohli informed the Board that at its December 18, 2013, meeting the Zoning Board of Adjustment (ZBA) granted an appeal of an Administrative Decision, therefore defining storage facilities as a personal service that is permitted in the C-2 District.

Attorney Greg Michael, Bernstein Shur, said that the site has been a retail storage facility for many years. Charles Morgan, the owner of Morgan's Self Storage, initially wants to use it as a storage facility for boats not just in the rear building but on all the property. He will renovate later and possibly bring back retail, at which time the Planning Board will review the site plan. There will be no changes to the site. It will only be cleaned up for the purpose of storage. There is a very old site plan that was drawn before the C-2 District was created and that had few reviews over the years. The site always conformed. There will be no change to the outside. Parking calculations were done. Hundred of vehicles parked for Zyla's auctions. The two buildings comprise 65,354 square feet; 294 standard sized spaces can be squeezed in. In the worst case, only 32 spaces are needed: 30 for storage and two for employees. There are more than that on the site. It is not likely that 294 units will be stored or that 32 vehicles will park at one time. Parking is not needed. To make a site plan would be a significant expense, especially since the use is appropriate, low key, and does not produce traffic on Route 3. Waiving full site plan review is appropriate. The business will reinvigorate the area.

Attorney Michael said that the applicant would comply with regulations. No lights would be added or changed. There is only one light now. Nothing will change outside. A full site plan now is unnecessary and unfair.

Chairman Best wondered whether the site would comply with current regulations. Lynn Christensen said there should be a site plan when the site changes back to retail, but not now, when there would be minimal change or impact to the area. Alastair Millns noted that the site is already grand-fathered for retail; however Chairman Best stated that the owner gave up the right to "commercial" use at the ZBA meeting. Retail use is allowed in the Commercial District. Nelson Disco noted that Charles Morgan wants to use the entire building for storage. Waiving full site plan review for storage will remove the grandfathered retail use; therefore the applicant will have to return with a new site plan later. Alastair Millns was concerned that a retail outlet might take over the building later and open the door to retail use. The ZBA has left it as a retail site. Attorney Michael noted that submitting a site plan now would not eliminate that problem. Anyone using the property for retail later will have to follow regulations.

Chairman Best and Lynn Christensen proposed a condition of approval that any activity other than storage will require the applicant to return to the Planning Board for full site

plan review. The applicant accepted the condition that there will be a small office/manager's facility. The roof will be fixed when the cold snap breaks.

Lynn Christensen was glad that someone would improve the site.

Michael Redding wanted some description or hand drawings showing parking and the office to be given to staff. Attorney Michael distributed a plan and a parking analysis. The office location is not set. Lynn Christensen wondered whether existing parking should be stipulated. Chairman Best said there are many parking spaces; 30 cars is conservative estimate. Donna Pohli said a change of use is often marked on an existing site plan. Information is needed about the change of use, parking, number of employees and hours of operation. Charles Morgan said hours of operation would be 8:00 a.m.-5:00 p.m., with reasonable exceptions for customers to access their storage at other times.

Staff recommended that the application be found incomplete or the hearing be continued, per the staff memo.

The Board voted 7-0-0 to accept the application for review, on a motion made by Lynn Christensen and seconded by Desirea Falt.

There was no public comment.

The Board voted 7-0-0 to waive full site plan review, with the condition that any activity other than storage will require the applicant to return to the Planning Board for full site plan review, on a motion made by Lynn Christensen and seconded by Desirea Falt.

Attorney Michael agreed to Chairman Best's request to stop people from parking vehicles for sale on the site.

Alastair Millns asked about Fire Department requirements. Attorney Michael said Charles Morgan would address their requirements as noted in staff conditions. If signs are changed, he will follow regulations. Attorney Michael agreed to Michael Redding's suggestion to have a small drip kit for spills.

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen.

1. Marked up plan to staff's satisfaction be submitted to Community Development with the following information annotated:
 - a. Converting 65,354 s.f. of retail/storage to 65,354 s.f. of vehicle, RV, and boat storage only;
 - b. Parking calculation sheet submitted at meeting by Attorney Michael;
 - c. No retail will occur at this site;
 - d. If the applicant, or future owner, wishes to change use, s/he must first acquire Planning Board approval who may require full site plan review, notwithstanding the waiver of full site plan review issued for the vehicle, RV, and boat storage use;
 - e. Hours of office operation are generally 8am-5pm, 7 days a week with reasonable exceptions;
 - f. There will be 2 employees;
 - g. Existing parking will satisfy the parking requirement of 32 spaces required;

- h. No additional paving will occur;
- i. 25% of the floor area is reserved for access lanes and space between vehicles;
- j. Not more than 294 vehicle, RV, and boat storage spaces will be inside the buildings;
- k. No storage of any kind will take place outside of the buildings;
- l. No "vehicle for sale" will be parked on the property;
- m. No maintenance or repair of vehicles will occur on the site;
- n. Owner must have a small spill kit to handle any spills inside or outside of the building;
- o. No changes to the exterior of the site other than cosmetic and maintenance;
- p. No outside uses permitted;
- q. Applicant and Property Owner's Signatures;
- r. State any waivers granted by the Board with the date they were granted and section number on plan;
- s. Signage must first obtain a sign permit and follow regulations set forth in Section 17 of the Zoning Ordinance.

8. Presentation/Discussion - Rebecca Balke, P.E. of Comprehensive Environmental Inc. & Pennichuck Corp. presentation and discussion of the Pennichuck Brook Watershed restoration efforts.

This item was continued.

9. Discussion/possible action regarding other items of concern

Lynn Christensen, who is a member of the Legislature's Commission on Affordable Housing, solicited public opinion.

Nelson Disco announced the Nashua Regional Planning Commission (NRPC) 31st Annual Legislative Forum scheduled for February 6, 2014, at Martha's Exchange in Nashua, from 6:00-8:00 p.m., featuring the NH Commissioner of the Department of Resources and Economic Development.

10. Discussion of the Fraser Square Veteran's Memorial

Town Engineer Kyle Fox has discussed the project with Town Council. The memorial to veterans of all military services will be sited between D.W. Highway and two spurs of Railroad Avenue with granite blocks that can be engraved. A series of fund-raisers will be held. Bushes and the large pine tree will be removed. Parking on the north will be expanded and some curbing realigned. There will be a paved pedestrian way. Kyle Fox showed samples of the materials to be used. Blocks can be purchased as follows: \$1,500 for a military emblem, \$300 for a 12'x12' block with four lines of text, and \$100 for a 12' x 6' block with two lines of text.

Nelson Disco asked about drainage and design detail. Kyle Fox said there is a design. The foundation will be embedded in sand and crushed gravel. The monuments will have 4' concrete footing with rebar. He is working with GNI Stoneworks to engineer the

monument, which will be flat. A 5% grade will lead up to it. The only lights will be on the three flagpoles. The octagonal center monument will have a fallen soldier statue.

Alastair Millns worried about traffic backing out into D.W./Rte. 3 traffic. Kyle Fox said the curb line would be changed so a car could fit into a space without sticking out onto D.W. Highway shoulder. There are plenty of parking spaces along Railroad Avenue. There will be two van accessible handicap parking spaces. Kyle Fox said he would review the suggestions of board members for parallel parking without having to back up on D.W. Highway.

Kyle Fox repeated that fund-raising would pay for the entire project. No town funds or labor will be involved. The memorial would be moved to the three flagpoles in the Square. There will be a memorial for the military as well as for Gilbert Fraser.

11. Approval of Minutes – January 7, 2014

The minutes of January 7, 2014, were approved, with one change, by a vote of 7-0-0 on a motion made by Desirea Falt and seconded by Alastair Millns.

The minutes of the January 25, 2014, site walk to Old Blood Road will be made part of the record.

12. Adjourn

The meeting adjourned at 9:15 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.