



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

MINUTES

TUESDAY, MARCH 18, 2014

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

Planning Board members absent: Michael Redding and Alternate Matthew Passalacqua.

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

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Nelson Disco to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

Donna Pohli announced the OEP Conference scheduled for May 3, 2014.

3. Discussion with Nashua Regional Planning Commission

The NRPC provides a wide array of professional planning services covering all aspects of community planning: transportation, land use, data analysis, mapping and environmental services. It offers specialized services to meet the needs of member municipalities and activities that benefit the region collectively.

Assistant Director Tim Roache presented transportation planning services, which include traffic data collection, intersection analysis, road surface management studies, road safety audits parking studies, corridor studies, and grant assistance. Alastair Millns asked about a new method for repairing potholes, which Tim Roache said he would research and report. Chairman Best said it uses infrared to heat and better integrate pavement.

GIS Manager Sara Siskavich presented GIS and mapping services, which include needs assessment and general GIS planning, tax mapping, custom mapping and analysis, and demographics. Alastair Millns asked whether GIS for all municipalities serviced by NRPC would be standardized and whether NRPC is involved in Merrimack's GIS improvements. Sara Siskavich said Merrimack's GIS is mature. The next step is utilities and DPW applications. The technology relies on organizations sharing information. They are all on the same platform and can be shared.

Executive Director Kerrie Diers presented energy and environmental planning services, which include hazard mitigation planning, household hazardous waste collection, and municipal separate storm sewer system general permit consulting; and land use planning services, which include general land use planning, integrated planning services, community planning consultation, regional plan, regional housing needs assessment, local planning support, and landscape architecture and professional illustrations. Kerrie Diers stated that the NRPC Brown Fields Advisory Committee is meeting again to seek opportunities for economic development and will submit a grant application to the Environmental Protection Agency (EPA) in the fall. NRPC is also working on a storm water management plan for Baboosic Lake and updating the housing needs assessment. NRPC wants to hear about Merrimack's needs.

Nelson Disco, who represents Merrimack on the NRPC Bike-Pedestrian Plan Committee, added that it is working on a regional bicycle and pedestrian plan, which Tim Roache described. Merrimack is also developing a plan and may ask for NRPC services. Chairman Best invited the presenters to return to the Planning Board when it has a regional plan.

Kerrie Diers presented a buildout analysis, current/existing residential buildings, and projections into 2040. Complete buildout represents the highest density based on current zoning. She asked for Planning Board reactions, what scenarios it wants NRPC to test and how the Master Plan will impact development in 2040. Chairman Best noted that Merrimack's Master Plan allows more development, form-based and mixed-use zoning on the east of the D.W. Highway Corridor, and less density on the west of it. Kerrie Diers wants to return with scenarios based on information from other towns. Tom Koenig said Merrimack wants to be part of regional transportation plans. Kerrie Diers said that Hudson is interested in a northern crossing of the river. She suggested that Hudson, Litchfield, Nashua and Merrimack get together to discuss the transportation system.

- 4. Edgebrook Heights, LLC, Wigston Properties, LLC and Q. Peter Nash 1987 Rev. Trust I (co-applicants/co-owners)** – Review for acceptance and consideration of Final Approval of an application for a Conditional Use Permit to permit a future mixed-use development consisting of retail, office, multi-family residential and assisted living. Parcels are located at # 1, 37, 39, 55 and an unnumbered parcel, D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 1E, Lots 004-01 & 004-02 and Tax Map 2E, Lots 006-02, 007 & 008.

Donna Pohli said that the Zoning Board of Adjustment (ZBA) granted three variances: 1) to pursue a Conditional Use Permit on a tract less than 50 acres and 2) where the tract has one or more parcels with less than 500' of continuous frontage on the State-maintained portion of D.W. Highway, and 3) to permit seven dwelling units per gross acre where such gross acreage is not reduced by wetland soils, 100-year floodplains, land with slopes greater than 25% and land encumbered by overhead electric power line easements, where such residential units may be one and/or two bedrooms; with the condition that the total number of residential units shall not exceed 168. Tonight's discussion is about the different uses and would not allow for construction to occur until later.

James Petropulos, Vice President/Principal Engineer, Hayner/Swanson, Inc., said this is the first Conditional Use Permit (CUP) for mixed-use development. The 36-acre wooded parcel abuts undeveloped land to the south, D.W. Highway to the west and the railroad and river to the east and is in the mixed-use corridor. The Planning Board previously reviewed conceptually 20,000 square feet of retail, a 4,000 square foot mini-mart with 12 gasoline fueling positions, 68,000 square feet of assisted living (elderly) facility with 74 beds, 14,400 square feet of commercial/office space, and 168 multi-family apartment units spread across five buildings with an associated clubhouse and pool. The lot has 1600' of frontage on D.W. Highway. It is relatively flat in front, then slopes down to the rear with a 50'-60' grade change. The lot has municipal water and sewer, electricity, and gas. The Town holds a B&M Railroad and a 20' public sewer easement through the property on the south. Main access will be off D.W. Highway at the intersection with the proposed new road, where there will be a four-way signal with a pedestrian crossing and a public road. There will be 115 parking spaces at the retail use/60-seat sit-down restaurant; 24 spaces at the gas station; 67 spaces for the assisted living facility; 58 spaces for the 74-bedroom elderly housing facility; 16 spaces for the clubhouse/recreation area, and 435 spaces for the multi-family units with a driveway from the cul-de-sac to the flat area to the east. The 168 units will have 58 (35%) one-bedroom units and 110 two-bedroom units in three buildings with parking underneath. The fiscal impact assessment concluded that the development would produce a positive impact of \$432,586 annually. The traffic study projects Level of Service B at the intersection. The architecture will have a traditional New England look with pitched roofs or roofs with architecturally treated mansards to give the appearance of a pitched roof, gables, and clapboard siding. The multi-family units will be rentals whose owners would maintain the inner roads. A town-owned and maintained main road is proposed. The Fire Department is comfortable getting around three sides of the three-story buildings, all of which will have sprinklers. A waiver will be sought to have 1.7 rather than 2.5 spaces per multi-family unit when a site plan is presented to the Board. Most storm water drains to Pennichuck Brook. The northern portion of the site drains through an existing culvert and onto the former Nashua Corp. property to the north. Eventually the runoff and rainwater from that site runs underneath the railroad and outlets into the Merrimack River. The site will be broken down into smaller watersheds by disconnecting impervious area and using rain gardens, infiltration systems, and bio-retention swales. The applicant will obtain Green SnowPro certification. Chairman Best said the program allows using fertilizer with phosphorous only to start lawns and requires low- or no-phosphorous fertilizer to maintain them.

Attorney Brad Westgate, Winer & Bennett, had no issues with Community Development Director Tim Thompson's comments and conclusions about the 11 criteria for a CUP permit. He noted that the Permit does not approve individual parts of a development. Each lot must undergo its own detailed site plan approval process. The applicant also agrees with staff's conditions of approval. Master Plan recommendations were considered when the plan was drawn up, namely that growth, mixed-use development, multi-family projects, and higher density development are appropriate along the D.W. Highway Corridor.

Chairman Best favored mixed-used development. He stated that two important staff conditions are a phasing plan and peer review of the financial impact analysis. In its

letter, Nanocomp states that it is an industrial use and does not want an incompatible use next door or limit what it can do. That may affect the proposal. BCM also argues that the industrial tenant chose a site in the industrial zone and now may not be able to do what it originally planned there.

Nelson Disco wanted more depth and background in a traffic study and assurance that the consultant took into account the large expansion/traffic in the Harris Pond/Bowers Landing area. Chairman Best, Nelson Disco and Alastair Millns disagreed with Tim Thompson, who had said that a traffic study would be part of each future site plan. Nelson Disco said that changes to the intersection must take the growth plan into account. James Petropulos will find out whether it has been. Alastair Millns said the NH Department of Transportation (DOT) must review the plan. James Petropulos said he had to decide whether to pay for a detailed large traffic study before the DOT suggests changes or to make trip generation placeholders with a less than 100% traffic study. DOT and Tim Thompson both said that this scope of traffic study is adequate at this level. Chairman Best wanted DOT's response. James Petropulos said a four-way intersection was contemplated for the proposed 1980s building.

Nelson Disco asked staff to notify Nashua about the project's regional impact.

Stanley Bonislowski noted that townhouses at Bowers Landing may become stand-alone housing, but James Petropulos said this project would have three-level mid-rises and garden apartments rather than townhouses.

Stanley Bonislowski asked what the Fire Department said about an accident at the beginning of the proposed two-lane street at the residences. He suggested installing an emergency road to prevent blockage as Merrimack Premium Outlets did or installing another exit for safety. James Petropulos said that, at the intersection with D.W. Highway, there would be one lane in and two lanes out with another access at the north. A gated road could be made a condition of approval. Chairman Best asked about the speed limit for the residents, which James Petropulos said would be posted at 20 miles per hour. The road would be approximately 1,000' long.

Nelson Disco asked whether all parcels would be consolidated and then re-subdivided. James Petropulos said there are five uniquely shaped lots. A decision has not yet been made. Eventually there will be 5-6 lots that will be consolidated and re-subdivided.

Public comment

Attorney Jason Reimers, BCM Environmental & Land Law, represents NIP, the owner and lessor of two lots abutting the Edgebrook parcel immediately to the north: Nanocomp Technologies, Inc., and Cenveo Labels and Packaging. He reiterated the arguments made in the letters that Nanocomp and BCM submitted to the Planning Board. Both businesses are strongly opposed to issuing a CUP in one of the most heavily industrial districts in Merrimack. They argue that the applicant has failed to satisfy the criteria regarding fiscal impact, vehicular traffic, and buffers.

Fiscal Impact Although the analysis projects increased tax revenue and need for municipal services, it threatens to drive critical businesses out of Merrimack. Nanocomp and Cenveo require heavy tractor-trailer traffic 24 hours a day, seven days a week. They deliver large quantities of powder and liquid chemicals, flammable and non-flammable

chemicals, and gases. Both businesses store chemicals on-site. Both manufacturers legally emit reactants, noise, light, smoke and odors. There are also odors from the wastewater treatment plant. The railroad may expand. The industrial activities will unavoidably conflict with a high-density residential development. When Nanocomp and Cenveo chose their current locations, they should have been able to rely on the area's designation as an I-1 Industrial District. It was not reasonable to foresee that a dense residential development would be allowed on the adjacent site. There may be complaints from adjoining commercial and residential occupants about the normal usage of the manufacturing facilities. Nanocomp might reconsider keeping its next expansion phase on D.W. Highway. The Fiscal Impact Analysis does not consider the negative impact to Merrimack of the loss of Nanocomp's expansion or of Cenveo leaving town.

Vehicular and Pedestrian Traffic The Traffic Impact Assessment does not adequately analyze the secondary access point through the southern Nashua Corporation entry. It is a shared driveway with NIP, which is the sole entry for all tractor-trailer and tanker truck deliveries. Many visitors to the commercial/retail/gas developments will access those areas through the shared driveway. The Assessment does not quantify what portion of this traffic will use the shared driveway. Not only will it share the road with the tanker and tractor-trailers, the proposed installation of a two-way intersection at the shared driveway will cause those vehicles exiting the applicants' businesses onto the shared driveway to make left turns in front of the entering trucks. The Assessment provides no data about existing truck traffic or conclusions about the interaction between the truck traffic and the patrons visiting the commercial/retail/gas services. Heavy 24-hour truck traffic is a necessary part of manufacturing and industrial businesses. The proposed uses will create an undue hazard and nuisance for vehicular and pedestrian traffic. There are no adequate provisions for safe traffic access. The applicant fails to state how it will prevent patrons from making right turns out of the commercial/retail/gas businesses and driving onto NIP's properties, since none of the applicant's lots has an easement for traveling over the roadway through NIP's properties. A "no right turn" sign is not an adequate provision.

Buffers No buffer will adequately separate the two uses. Regulations require a Type D 20'-wide rather than an 8'-wide buffer. An appropriate Type D 4 buffer would be at least 100' wide. Even that would provide only "some" screening for noise and glare, whereas noise, glare and emissions legally occur 24 hours a day.

Suitability The commercial/retail/gas businesses will bring much more non-industrial traffic than the industrial building that was approved in 2001. The current proposal is inappropriate for the site.

Sewer Access and Stormwater Runoff NIP has declined the applicant's request for an easement for access to an 18" sewer line. NIP is concerned that additional impervious surfaces introduced by the development will increase storm water runoff onto its property and damage or add to the tenants' existing regulatory burden to test and control storm water runoff.

Chairman Best asked whether the issues could be mitigated by altering the plan. Attorney Reimers said there is no space on the lot for adequate buffers unless one residential building close to the NIP property were removed. Chairman Best asked if there is a distance where the project is far enough away. Attorney Reimers said he

would have to consult his client. Chairman Best said it is better to make everyone happy by having both sides compromise, for example by changing driveway access. Stanley Bonislowski said he must rely on consultants for information, but they have not reported. He wants real information rather than a threat to move out.

Matt Bangert, Roth & Roth Company, said Nanocomp must commit to the U.S. Government that it will manufacture materials for bulletproof armor, which is its primary product. If it fails to live up to its commitment, it will be removed from the supply chain. If the proposed development's tenants complain or inhibit fulfillment of the contracts, Nanocomp would go out of business. Nanocomp specifically selected the I-1 Industrial District and got the necessary permit to avoid complaints about the manufacturing process.

Stanley Bonislowski said the Planning Board granted Nanocomp's expansion based on three shifts with a maximum of 60 people per shift. Matt Bangert said Nanocomp would adhere to those numbers.

Chairman Best said Nanocomp's front building is almost on D.W. Highway with very little setback. That is closer to the business than the proposed driveway. Harris Pond is closer than the proposed residential development will be. He asked whether Nanocomp had concerns about them when it moved here. Matt Bangert replied that Dunkin' Donuts, the car dealer and Interstate Battery are a sufficient buffer. There is no storage or offloading of materials near D.W. Highway. The south parking lot for storing hydrogen is near the traffic exiting the gas station complex.

Stanley Bonislowski stated that the Planning Board must protect Nanocomp if there were complaints. Nanocomp was there first. Matt Bangert said Nanocomp wants maximum protection. The last phase of expansion is in full-scale production. It cannot just pick up and move. It has invested millions of dollars in the core of the building. Chairman Best noted that the development's tenants would not know about the Board's conversations and would make complaints. Citing his own experience, Alastair Millns was concerned that, in the future, the neighbors would make the town cite Nanocomp. It is an issue the Board must take seriously. He asked whether NIP spoke against the application at the ZBA meeting. Matt Bangert said he attended, but did not have the standing to comment because he did not have the landlord's support at the time. Nanocomp does not receive abutter notices; the landlord does. Stating that it is a very important issue to resolve, Chairman Best wanted to try to figure out how to make the project work.

James Petropulos said the nearest residential building is at the northeast corner and 1,125' away from Nanocomp. Nanocomp is 800' from Bowers Landing, 675' from manufactured housing, and 380' from the closest proposed residence. The buffer is 8' at the end of the turnaround. It is 90' from the property line. Much of the parking is at that location. There are 40' between the property line and the parking area. He will enhance the buffer there. A 20' buffer with a fence or 100' without a fence is required for a residential property next to an industrial property. It is not true that the sewer easement under the industrial property site was not granted by the owner. There is a 20' public easement through the property. An additional 10' on each side for sewer construction was granted in 2007. That has expired, but the 20' easement still exists. The B&M Railroad gave the town the right to access the property to the sewer. There is no pipe in

the ground. The parking lot does drain onto NIP property, but storm water will be retained, recharged, treated, enhanced and improved.

Chairman Best said issues about sewer and storm water can be solved. The real issue is the distance between uses and what is between them. Nelson Disco added traffic flow on the one-way street exiting through the industrial park.

Attorney Westgate said the core point is compatibility of uses. NIP is objecting to the zoning, but this has been a mixed-use area for many years. There are many non-industrial uses nearby. A CUP is allowed in this area. The abutters received notices when the applicant went before the ZBA for variances last year. A landlord must notify the tenant. It is no surprise that this property was designated a CUP mixed-use before Nanocomp objected. A variance was granted before Nanocomp asked the Planning Board to approve its expansion. They were physically present asking for permission to raise their roof at the same meeting when the applicant appeared before the Board. The Ordinance permits this use. As to fiscal impact, Attorney Westgate agreed that there should be a third-party. It is impossible to factor in the impact on a neighboring business. Abutter complaints are inevitable. The December 2, 2013, minutes approving the site plan for Nanocomp's second expansion does not refer to any neighbors or abutters raising issues. As to the access road to the north, the one-way road is part of the public dedicated right-of-way half-way-up; beyond that is a common access easement. The easement, which allowed ingress and egress onto D.W. Highway around the entire Nashua Corporation facility, was amended in 2001 to limit the rights of a gas station lot to D.W. Highway. Traffic can no longer go around, but the lot has the right to go in and out. It is an easement in perpetuity. Only the gas station is precluded from that right. Taking a right goes to no-man's land rather than onto D.W. Highway. It is clear how to get in and out. Using the ingress and egress cannot be precluded. Nanocomp's letter states that material and heavy traffic comes and goes at all hours, yet at the December 3, 2013, meeting, Nanocomp's application estimated truck traffic would total six trucks and 48 general deliveries a week. That is not heavy tractor-trailer traffic. The Planning Board does not usually approve noise both day and night. Their application stated that the business would not generate external noise except for an emergency generator. The applicant will have a dialogue with abutters.

Chairman Best asked whether an emergency access or shared driveway would satisfy the applicant's needs. Attorney Westgate said an analysis about marketability of the sites must be done. The traffic analysis assumes that all traffic would go through the core signalized intersection, which can handle the project's traffic. Stanley Bonislowski asked whether the right turn out of the commercial building onto Nanocomp's property would be on a private road. Attorney Westgate said it would; it is on NIP's land and Nanocomp has the right to use it. Stanley Bonislowski suggested erecting signs to keep traffic away.

James Petropulos said the retail building would be 200' from D.W. Highway. There are no rights onto the Nashua Corporation property and no reason for anyone to go onto a private site. Tom Koenig said it would be difficult to come out of the retail parking lot and take a left onto D.W. Highway while trucks are coming from the opposite direction. James Petropulos explained that would be a stop condition. He will ensure that it has good sight distance looking left.

Tom Koenig said there is so much parking and less of a buffer because so many buildings are proposed. There is too much density because of the different uses on this property. Reducing use of the land would reduce some abutter concerns. James Petropulos said that, at a certain point, there are 390' to the abutters. Chairman Best asked whether there would be more room for a buffer if there were four rather than five residential buildings. He stated that the Planning Board wants a peer review before granting a CUP. He and Alastair Millns want more discussion with the abutters.

Chairman Best suggested a site walk on NIP property during manufacturing hours. Lynn Christensen suggested it be when there is the most traffic and noise, even if it entails two visits.

Stanley Bonislowski said the Planning Board should accept the application at this meeting so it can trigger accurate third-party and site plan information. Chairman Best demurred, stating that a CUP is the only opportunity for the Planning Board to decide this is the appropriate combination of uses. Specifics of site plans will be reviewed later. Tabling the application would give Board the information it needs.

Alastair Millns said, that without a phasing plan there is no assurance that all phases of the project will go ahead. He wanted to know what will be built and when. Chairman Best wanted to balance the development of commercial and residential uses and wanted to see a phasing plan, a development agreement and peer review by the May 20, 2014, meeting.

The Board voted 7-0-0 to continue this item to May 20, 2014, with the following conditions to be met before that date, on a motion made by Alastair Millns and seconded by Desirea Falt: a phasing plan, discussion with the industrial abutters, fiscal impact analysis and a site walk.

The Board voted 6-0-1 to authorize staff to hire third-party review consultants at the applicant's expense, on a motion made by Lynn Christensen and seconded by Stanley Bonislowski. Tom Koenig abstained.

5. AutoFair Realty II, LLC (applicant) and Naticook Automotive, LLC (owner) – Review for acceptance and consideration of Final Approval of an application for site plan review to demolish a corner of the building (approximately 4,000 square feet) at the intersection of Route 101A and Continental Blvd. and make related site improvements. The parcel is located at 717 Milford Road in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 2B, Lot 031.

Robert Baskerville, Bedford Design Consultants, said the applicant proposes to cut off a triangular piece of the building. Changes would be minimal: sewer would be brought in and the access regraded and improved. Michael Cheever, AIA, ArchCon-Group, Inc., said AutoFair wants to stay at this location and has a 20-year lease. Harley Davidson will leave and AutoFair will take over the 39,000 square foot building, but it is too large for its needs. Cutting off a corner of the building would remove the bottleneck, improve visibility at the intersection of Route 101A and Continental Boulevard and create an easier approach and circulation around the building. VW's branding program will give the building an improved iconic look. The diagonal front will face the road. AutoFair will not cross the neighbor's property and will add parking. The service center will be in back,

sales on the other side, storage in the front yard, and customer service parking on the sides. The garage will be removed and a front display area will be created.

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 7-0-0 to accept the application for review, on a motion made by Stanley Bonislowski and seconded by Alastair Millns.

A parking waiver is sought because the room is needed for service rather than for parking. Robert Baskerville said there were originally 59 parking spaces, but, under the new regulations, 128 are required even though the building size will decrease. The request is to reduce the number to 115, leaving two lots on the bottom for display spaces. The existing building, retaining walls and circulation limit where spaces can be put. AutoFair needs flexibility to move vehicles to different places at different seasons. He asked how many spaces must be striped and how many must be left open for display. Excessive snow will be removed off site.

Michael Cheever distributed the plan for AutoFair in Manchester, its largest dealership. It shows customer parking and display spaces. Merrimack requires more spaces. The plan shows that AutoFair can operate with fewer spaces. Stanley Bonislowski commented that he could not find a parking space at the Manchester facility and asked where inventory would be placed. Alastair Millns noted that cars park on the road at Home Depot on Saturdays and opposed a waiver. Robert Baskerville said he could put 12 more places in the display area. Michael Cheever said he striped spaces only to get a count in Manchester, but they are not all used. This dealership can be operated with 115 spaces. Robert Baskerville said cars staying overnight are double-parked. The display area is not included in the parking number. If there is less display, fewer spaces are needed. Michael Cheever said cars waiting to be serviced go to the service drive and are then put in double-stacked rows to go into the shop. The busiest time for the repair shop is 7:00 a.m.-8:30 a.m. After they are serviced, cars are parked elsewhere for customer pickup. Chairman Best wanted a guarantee that striped areas are not for display. Michael Cheever agreed, stating that new deliveries are stored temporarily on the adjacent lot. AutoFair wants to park more cars there in the future.

Desirea Falt cited "Specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations."

The Board voted 6-1-0 to waive the requirements of Section 7.03(2)(B) – Parking – of the Subdivision Regulations, on a motion made by Desirea Falt and seconded by Lynn Christensen. Alastair Millns voted in the negative.

Robert Baskerville asked to waive the landscape buffer because all abutting lots are commercial except for the parcel on the north, there is a variance for auto sales in the residential district and there are a barn and parking lot for auto storage.

Alastair Millns cited "Specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations."

The Board voted 7-0-0 to waive the requirements of Section 10.01(4) – Landscape Buffers – of the Subdivision Regulations, on a motion made by Alastair Millns and seconded by Nelson Disco.

There was no public comment.

Robert Baskerville stated that the Merrimack Conservation Commission (MCC) made three suggestions: 1) Use fertilizers that are slow release and low in phosphates, obtain Green SnowPro certification, and use mulch from straw rather than hay. The Planning Board eliminated “any forthcoming” comments from Condition #8 and “typical” MCC recommendations from Condition #9b. Because of the dangerous slope/ramp, it eliminated the ban on “chemical de-icers” from Condition #9b.

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 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco.

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 any necessary state permits, provide copies of the permits to the Community Development Department file, and note the approvals in the notes on the plan;
4. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
5. The applicant shall address any comments from Pennichuck Corporation, as applicable;
6. The applicant shall address any comments from the Public Works Department, as applicable;
7. The applicant shall address any comments from the Fire Department, as applicable;
8. The applicant shall address all comments from the Conservation Commission as applicable;
9. Address the following planning staff technical comments:
 - a. Add consecutive page numbers lighting plan and building renderings;
 - b. Add a note to the site plan stating that “Winter Maintenance to be performed by a Green SnowPro certified (or functional equivalent certification) contractor. No salt to be used. Other chemicals are allowed as needed.”;
 - c. Revise note 12 to reference the variance granted by the Zoning Board of Adjustment on February 26, 2014 (including Section #, and Case #);

- d. Staff recommends that the applicant include appropriate details for any proposed signage as applicable. In addition, verify that the number and size of the wall mounted signs indicated in the building elevations comply with the requirements of the Zoning Ordinance;
- e. If more than 20,000 square feet is being disturbed, add a note, "This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 412 of the Town's Code of Ordinances). A pre-construction meeting with the Community Development Department and Public Works Department shall take place at least 2 weeks prior to commencement of disturbance in accordance with Article IV of the Stormwater Management Standards.";
- f. Add a note, "The Town shall reserve the right to require additional erosion control measures during construction";
- g. Verify that the lighting plan meets the regulations set forth in Section 11 of the Site Plan Regulations, including Section 11.09 -Illumination of Building Facades and Landscaping;
- h. Ensure the fixtures are full cut-off and please add lighting fixture details on to plan set including pole heights.

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

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

6. Discussion/possible action regarding other items of concern

None.

7. Approval of Minutes – March 4, 2014

The minutes of March 4, 2014, were approved, with changes, by a vote of 7-0-0, on a motion made by Stanley Bonislowski and seconded by Lynn Christensen.

8. Adjourn

The meeting adjourned at 11:15 p.m., by a voted of 7-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.