



# Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

TUESDAY, AUGUST 20, 2013

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

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

Community Development Staff: Community Development Director Tim Thompson, Assistant Planner Donna Pohli, and Recording Secretary Zina Jordan.

#### 1. Call to Order

Chairman Best called the meeting to order at 7:32 p.m.

Alastair Millns read the following statement as a point of personal privilege: "At the last Planning Board meeting I regret that I used an apt, but outdated English expression, but one which contains a single word that understandably causes offense. I obviously intended no offense nor any negative reflection on the Town of Merrimack or on this Planning Board. I should have been more alert to the choice of words, and I'll do my best to be so in the future. I wish to apologize wholeheartedly to everybody and ask that I can be forgiven for this error. Thank you."

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

Tim Thompson introduced Assistant Planner Donna Pohli, who expressed excitement at working in Merrimack, offered her assistance to the Board and explained her background. The Board welcomed her.

3. **YMCA/Melton Associates** – Consideration of Final Approval of a site plan application for a proposed 57-unit Elderly Housing development, Community building & related site improvements in the R (Residential) District, located on D.W. Highway, between Island Drive and Angelo Drive. Parcel is located within the Aquifer Conservation District, the Flood Hazard Conservation District, and the Shoreland Protection District. Tax Map Parcel 4D-4/043-1. **This agenda item is continued from the July 9, 2013 meeting. The applicant has requested postponement to the September 10, 2013 meeting.**

**At the applicant's request, the Board voted 5-0-0 to postpone this item to September 10, 2013, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Stanley Bonislowski.**

- 4. YMCA/Melton Associates** – Consideration of Final Approval of a site plan application proposing the development of athletic fields, bathrooms & maintenance structure, related parking & appurtenant improvements in the R (Residential) District, located off Wright Avenue at 381 D.W. Highway. Parcel is located within the Aquifer Conservation District, the Flood Hazard Conservation District, and the Shoreland Protection District. Tax Map Parcel 4D- 3/092. **This agenda item is continued from the July 9, 2013 meeting. The applicant has requested postponement to the September 10, 2013 meeting.**

**At the applicant's request, the Board voted 5-0-0 to postpone this item to September 10, 2013, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.**

- 5. Crosswoods Path III, LLC. (applicant/owner)** – Pre-Submission Hearing to discuss a proposed conversion of an approximately 20,000 s.f. office building (with unfinished basement) to 18-21 unit multi-family residential dwelling units within the C-2 (General Commercial) and PUD Overlay Districts. The parcel is located at 1 Crosswoods Path Boulevard. Tax Map 7E, Lot 046-053.

Chairman Disco designated Nelson Disco to sit for Michael Redding.

Tim Thompson said that he and Planning and Zoning Administrator Nancy Larson met with Real Estate Developer Jerry Levin. Because he has been experiencing difficulties leasing units within the commercial office building, he is exploring the possibility of converting the entire three-story office building into multi-family residential.

Jerry Levin said that, when he built the building, he promised the Planning Board it would be commercial. He is looking for a solution to the problem that he is unable to get enough tenants to sustain the building and he has trouble covering the mortgage. Converting to a multi-family residential building would still satisfy the non-residential requirement of the PUD. He has 18,000 square feet of rentable space in a first-class building and grounds; it would make a nice residential building. He could get 18-21 units and promises no more than 39 bedrooms that he would either rent or sell as condominiums. Jerry Levin recounted his problems renting his commercial building. He will seek a variance from the Zoning Board of Adjustment (ZBA) to exceed the density as necessary.

Stanley Bonislowski favored the project and asked what would happen to the current tenants. Jerry Levin said their leases are running out and he may be able to get them into another lot. Although Nancy Larson's memo states that each unit would have one bedroom, there would be six two-bedroom units and one one-bedroom unit on each floor with minimal effort. The exterior would not change.

Nelson Disco was sympathetic and said a condominium would meet the PUD requirement of the amount of commercial space to support/complement it. The Board must listen to the marketplace. He asked if there would be major renovations. Jerry Levin replied that it would not be difficult, since the building has individual meters and a sprinkler system and the interior partitions can be moved. There is plumbing and electricity on each floor. It would not be as bad as erecting an entire building.

Nelson Disco asked if there would be a stand-alone condominium association from Crosswoods Path. Jerry Levin said it would because the condominium cannot absorb it

without changing its documents, which is a complex process. Rental units fit more into his procedure than do condominiums.

Nelson Disco asked whether there would be changes for pedestrian access. Jerry Levin replied there would not, since the building has a covered handicap ramp and a nice lobby.

Robert Best asked about a sidewalk in front, which Jerry Levin said would go nowhere. The road slopes dramatically, making it too difficult. The proposed condominium would have the rights to the amenities and inside walks according to PUD requirements.

Robert Best asked about parking. Jerry Levin said there are 80+ spaces, which is more than is necessary. He may remove some. Tim Thompson said 60+ would be required for multi-family residential. Jerry Levin noted that the building has sewer and water.

Alastair Millns asked Jerry Levin whether he discussed the conversion with the condominium association. He said he had not.

Alastair Millns asked about traffic, which Jerry Levin said would be less with a residential use than with a commercial use. The parking lot goes to the street. Everyone will have cross-easements. He built the building behind as apartments, mostly two bedrooms/ two baths, and sold it to Brady-Sullivan in Manchester, who converted it into condominiums. The architectural design is similar, but the other buildings have units on the lower level. His building has an elevator and a full heated basement that would be used for storage and amenity space. It already has four large (15'x12') cages; more can easily be added.

Tom Koenig asked about the restaurant the Board previously approved. Tim Thompson stated that in January 2012, the Board instead approved a site plan for Arenco, which consists of a single-story office building a separate lot that is part of the PUD. The plans have been signed.

Desirea Falt said she supports the approach, which makes sense.

Tom Koenig asked whether the airport access road has a good impact on business and commercial space. Jerry Levin thought it would, but Bedford is also struggling with office space, so the road has not had much impact. Should he attract tenants in the next few months, he will keep the building as office space.

Tom Koenig preferred the mix of commercial and residential space rather than changing the use. Jerry Levin noted that the PUD was originally his idea, but there is not enough traffic to support a restaurant.

Robert Best supported the project as a good alternative use. He agreed with Nelson Disco about synergy between residential and commercial use in a PUD, but it is challenging. Office space is more difficult. He sees no obstacle to changing the use. There is enough commercial property left in the PUD to meet the standards. This will make the property productive.

## **6. Discussion/possible action regarding other items of concern**

None

## **7. Approval of Minutes – July 23, 2013**

**The minutes of July 23, 2013 were approved, with revisions, by a vote of 5-0-1 on a motion made by Stanley Bonislowski and seconded by Alastair Millns. Nelson Disco abstained.**

**8. Adjourn**

**The meeting adjourned at 8:13 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.**