



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, NOVEMBER 1, 2016

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

Planning Board members absent: Lynn Christensen and Alternate Jeff Sebring.

Staff present: Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m. and designated Nelson Disco to sit for Lynn Christensen.

2. Planning & Zoning Administrator's Report

Franklin Savings Bank seeks final approval to construct a 2,161 square foot bank at 1 Dobson Way. Staff recommends that the Planning Board determine that this project is not of regional impact.

The Board voted 7-0-0 to determine that the Franklin Savings Bank (applicant) and KRG Merrimack Village, LLC (owner) site plan is not of regional impact, by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.

3. Skippers Marine Corp. (applicant/owner) — Review for acceptance and consideration of a waiver of full site plan review to amend a previously approved outdoor boat display and storage. The parcel is located at 54 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 029.

Jillian Harris said the applicant is proposing to revise the approved site plan to remove customer parking spaces and replace them with boat storage. He also proposes to position boats on both sides of the entrance drive to display them for sale. On October 26, 2016, the Zoning Board of Adjustment (ZBA) granted a variance to permit parking within 50' of Daniel Webster Highway whereas a 50' setback is required, but left it to the Planning Board to decide the exact setback distance. Staff notes that this property has been the subject of numerous enforcement actions for site plan violations related to parking over the last few years. This application is the owner's attempt to amend his site plan to better reflect what he describes are his true operational needs. The Fire Department has expressed concern that so many boats were already stored that there was no emergency vehicle access to the building. The issue continues to recur. Chief

Manuele does not see how increasing the boat storage area would improve the situation.

Staff recommends that the applicant should be required to produce a document stating that the Fire Department is satisfied. As there is no current parking standard in the Merrimack Subdivision Regulations for a marina, staff recommends that the Board determine the standard for a warehouse and storage use up to 100,000 square feet be applied, for four required spaces.

John (Skip) Moir, Jr., 54 Daniel Webster Highway, said clients come for boat maintenance and for storage in the off season. He tries to accommodate as many shapes and sizes as possible. At certain times of year, he is over capacity and gets complaints. He has redesigned the yard, which is neat most of the time. Wheels are placed on the edge of the pavement and parking is angled in order to keep the circle open. Customers drop off their boats and then leave. Valet parking for the boats is provided. Skip Moir takes only as many boats as he can fit.

Skip Moir said he would keep boats behind the gate. The storage area is in back. He wants permission to display one boat for sale on the lawn. He said the boats do not block the signage. There are three approved maple trees on each side. Chairman Best noted that a clear site line is needed for cars pulling out of the site. A fence 30' from the road is satisfactory. He proposed that the gate/fence continue in order to define the line and so neighbors can see that the boats are behind the fence. Skip Moir claimed that former Planning and Zoning Administrator Nancy Larson gave him permission to park boats as he currently is in the yard in 2009, but Jillian Harris said the Community Development Department has no notes to that effect. Skip Moir submitted a November 17, 2015, violation letter stating that on October 1, 2009, he received administrative approval for parking boats within the customer parking spaces as long as the limits for each space are not exceeded by a boat or trailer.

Chairman Best explained that the Fire Department must be able to bring in equipment. Skip Moir said that Fire Chief Manuele wants the alley on the right to be clear at night. Chairman Best noted that there are no parking regulations for a marina. The applicant has to satisfy only the Fire Department. The Planning Board will determine the setback, then postpone this item until the Fire Department is satisfied.

Alastair Millns said displaying boats for sale over a sewer easement is a bad idea. He agreed to extending the gate and not putting anything in front of the fence. Chairman Best noted that the applicant has the right to use the easement. The issue is sight distance. Tom Koenig said 30' and behind the gate is sufficient. The issue is overcrowding. There should be nothing in front. Nelson Disco agreed.

Vincent Russo asked about snow storage. Skip Moir replied that business is very slow in winter. He uses a giant snow blower rather than a plow and puts snow between boats, so he can pull them out at any time. Vincent Russo asked what would happen if the Fire Department had to come now. Skip Moir said people constantly drop off and pick up boats, so he does not know whether there are any boats out of place at the moment. For Vincent Russo, volume and safety are the ongoing issues. Skip Moir said

boats are out of place only two months a year. Only one neighbor has ever complained. He is a rescue captain. Sometime he moves boats, but there is always a clear area. Giant overhead doors provide access to the building. Chairman Best said the staff recommendation to produce a document saying that the Fire Department is satisfied before Planning Board approval makes sense. Boats must be in the right place at night. If a boat does not fit, the applicant cannot accept it. Skip Moir said the circle was designed so a tractor-trailer truck could drive around it. Vincent Russo noted that only the boat storage in the rear is on the original site plan. Skip Moir explained that when he used to build boats, which he no longer does, there was designated customer parking on the sides. Chairman Best noted the four parallel parking spaces. Skip Moir wants a little more room to park boats there. He said everything is paved except for a grassy area on each side for three boats. He puts the wheels on the paved area and the boat on the grass inside the gate.

Alastair Millns asked about the cross-access easement on both sides. Skip Moir said that was in case something were to be erected next door that needed access. There is a drainage ditch on one side, so there is no usable access there. There might be on the other side. Chairman Best said that Interstate Battery is there now. Chairman Best and Alastair Millns suggested that the applicant eliminate the easements if they are no longer possible

Public comment

John Cyr, Owner, Interstate Battery System of Southern New Hampshire, 52 Daniel Webster Highway, is concerned about safety. Many times the boats are out to the sidewalk and block the line of sight. The trees and low brush should be cleared. Two lanes merge into one and cars go faster than the posted 40 mph. Dunkin Donuts trucks park in the breakdown lane. People pass John Cyr's business because boats are in the way. It is 5'-6' from the breakdown lane to the stop line on his property. Skip Moir countered that the bushes are on the Cyr property rather than on his and that the site plan required three maple trees on both sides. He removed the stockade fence and pine trees for the sake of Interstate Battery. People drive past his property as well. Skip Moir will work with John Cyr about the trees. It is hard to get rid of boats that people abandoned, but he brings about one a month to the dump. He will clear up the yard and extend the gate on each side.

The Board voted 6-1-0 to accept the plan for review, on a motion made by Nelson Disco and seconded by Desirea Falt. Michael Redding voted in the negative.

Michael Redding said full site plan review should not be waived because the site plan does not fit the use, changed traffic flow and elimination of the easement.

The Board voted 5-2-0 to waive full site plan review, on a motion made by Nelson Disco and seconded by Vincent Russo. Tom Koenig and Michael Redding voted in the negative.

Chairman Best opposed requiring a 30' setback before determining the exact location of the fence. The Board should not make the applicant move the gate if it is not exactly 30' from the edge of pavement.

A motion made by Nelson Disco and seconded by Michael Redding to require a 30' front setback from the edge of the property line, extend the fence to the north and south property lines, and to disallow boats from parking in front of the gate failed, 2-5-0. Robert Best, Alastair Millns, Tom Koenig, Desirea Falt, and Vincent Russo voted in the negative.

Skip Moir asked why Acura parks vehicles on the sidewalk and he cannot. Chairman Best suggested several possibilities. Each case is different.

Vincent Russo said the ZBA gave a variance for a setback of less than 50', but if the Planning Board denies site plan approval, the variance no longer applies. Michael Redding said the setback would be 22'-24' based on the site plan and depicted location of the gate Tom Koenig said the boat parking area kept expanding over the years and is creeping into a more crowded situation. Skip Moir replied that a boat yard constantly changes. It is an unusual business. He will try to keep the yard accessible.

The Board voted 7-0-0 to measure and note the location of the gate on the plan, to mark the gate location as the setback, to extend the fence to the north and south property lines, and to disallow boats from parking in front of the gate, on a motion made by Nelson Disco and seconded by Desirea Falt.

A motion by Alastair Millns to remove the trees was withdrawn.

Jillian Harris said the applicant must have final approval before changing the landscaping on site. Skip Moir objected that the trees do not block the road. Chairman Best asked that the Board have the landscape plan at the next hearing. Alastair Millns countered that trees do not impede the ability to see when pulling out of Interstate Battery.

The Board voted 7-0-0 to continue this item to December 6, 2016, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco.

4. Franklin Savings Bank (applicant) and KRG Merrimack Village, LLC. (owner) —

Review for acceptance and consideration of Final Approval to construct a 2,161 square foot bank. The parcel is located at 1 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 080.

Jillian Harris wrote a memo to the Board on October 28, 2016, stating that NH Department of Transportation (DOT) and the Public Works Department (PWD) gave conflicting information about whether the Planning Board has jurisdiction to make entrance determinations along the Camp Sargent Road right-of-way. The applicant's Truck Movement Plan did not show proper turning movement radius into and around the site for fire truck access. PWD is concerned about radius and turning moments for passenger vehicles into and within the site and states that single unit trucks/buses cannot make the turn into the site from the proposed Camp Sargent Road and Dobson Way entrances.

The NH DOT has since stated that the Town has jurisdiction over this section of Camp Sargent Road. Since the proposed Camp Sargent Road curb-cut cannot accommodate large trucks or fire engines, staff recommends an alternate concept.

Richard Pilla, Paramount Partners, said he received CLD's comments only this afternoon.

Ron Magoon, President and Chief Operating Officer, Franklin Savings Bank, said this is the community bank's eighth branch location. He explained the business. The bank has donated \$900,000 and 200 grants and gives 25 scholarships annually to communities.

Jason Hill, Civil Engineer, T.F. Moran, Inc., said he modified the plan based on staff feedback. This is a small site of less than one acre at Shaw's Plaza. A bank is one of the best uses for this small site. The 2,161 square foot bank would be one story. Major components of the project are 19 parking spaces, one space for the handicapped, two drive-thru lanes with a total queue of eight spaces, a sprinkler system, filling a portion of the detention pond for employee parking, reconfiguring the Dobson Way curb cut to provide independent left and right turn lanes for exiting traffic, and construction of a new limited access driveway at Camp Sargent Road for right-in turns. Filling and encroaching on the detention pond may require an easement. There would be a small area for emergency vehicle access. Jason Hill showed the turning template plan with a raised aggregate surface area for fire truck access. A new wider driveway on Camp Sargent Road is proposed for a fire truck, delivery vehicle and customers and to take traffic away from the existing signal. A waiver is sought to be 60' from the gas station driveway rather than 150', which is in the intersection. This is different from what is on the plan now and will be reviewed with the Fire Department and PWD.

Jillian Harris reported that PWD emphatically does not favor a Camp Sargent entrance. Chairman Best liked it because it helps circulation on the site. Jason Hill said the Fire Department wants access from two directions, but access can be only from the Shaw's side rather than from the signal. The new proposal gives access from another direction and meets the condition that there be access from two directions. There would be 25-26 new trips on the road from this proposed development.

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 Alastair Millns and seconded by Desirea Falt.

Vincent Russo wanted Fire Department, PWD and State approval in writing by the December 6, 2016, meeting, but Chairman Best said it is possible the agencies would disagree. Richard Pilla said the curb cut is a public safety issue. He will discuss the new plans with the Fire Department and PWD. Richard Pilla disagrees with PWD Director Kyle Fox, who thinks a curb cut would appear too quickly for traffic to turn in safely. Most customers would come from the north and east and would know the curb cut is there. Jason Hill said he widened the driveway. Only four trips are expected at

peak hours. At most there would be 2-3 cars at the exit. The gas station curb cut is 50'-60' away. Richard Pilla said the question is where to put the second access. The applicant thinks it should be on Camp Sargent Road. A truck from the closest fire station would go right into the Plaza on Continental Boulevard. The fire engine would have to maneuver around cars if the site is busy. Going right into this site might be faster and more convenient. Chairman Best said this was mapped when the development was designed. Camp Sargent Road would be a secondary entrance. Richard Pilla said it would be difficult for a fire engine coming from D.W. Highway to make a loop.

Desirea Falt wanted less parking on the site and limited emergency access. She opined that there are other options for a second access and did not want it on Camp Sargent Road. Chairman Best suggested an internal connection to the gas station, as Desirea Falt suggested. Desirea Falt said there is only one way out when entering on Camp Sargent Road: a forced U-turn and backing out. Traffic goes two ways until the driveway, then one way after that. She suggested placing the bank on the southeast corner to eliminate the doughnut shaped parking lot. Parking would be on the gas station side. Jason Hill said he could not move the building east or south because of the narrow driveway, required stacking and the median. He would lose accessibility and there would be no room to turn a fire truck.

Chairman Best asked how the applicant would manage the infringement on the drainage pond. Jason Hill said it has a greater volume than originally designed. Increased volume offsets the reduced volume from the encroaching parking spaces. He proposes an underground chamber system to increase storage. Storm runoff/emergency overflow goes into the pond. There would be more capacity even though there would be more impervious surface. Alastair Millns agreed with Chairman Best that there must be a maintenance plan. The amount of cars going to a bank is so small that a second curb cut is a disservice to traffic flow. PWD will probably oppose it.

Alastair Millns asked about security. A thief can easily get back on the turnpike, which a second curb cut would make very close. Ron Magoon said Franklin Savings banks had three robberies and they were near highways. Robbers usually think more about getting drugs than about access. He listed Franklin's many security measures.

Vincent Russo liked the second curb cut if the Fire Department approves. People do not drive fast on what he believes is essentially a one-way road. Like Desirea Falt, he does not like a two-way road on the east. Nelson Disco wanted to hear PWD's argument and about combining access with the gas station's. He does not favor a second cut and wants to keep Camp Sargent Road cleaner. Tom Koenig said this is a very short stretch of road. He agreed with Vincent Russo that there are no speeders. He likes the second access, but not two-way circulation in front. He prefers one way.

Vincent Russo does not want to fill in the drainage pond. Tom Koenig asked about 50-year storm calculations, which Jason Hill said he gave to PWD. Jillian Harris said PWD wants to clear up errors and inconsistencies. Chairman Best said there may be a drainage easement that would have to be considered. The Planning Board cannot make the gas station agree, but it can encourage exploring the use of their access.

Michael Redding was comfortable with people slowing for access because the driveway would be wider. He suggested removing the island to make it easy for large vehicles to back out of the two-way section. Jillian Harris said that pulling the right turn in onto Dobson Way was discussed at yesterday's meeting. Jason Hill said it would remove the need for a waiver. Ron Magoon said a vehicle would have to drive around the large Shaw's Plaza sign. Chairman Best preferred a Camp Sargent entrance to a Dobson Way entrance. Jason Hill said cars and trucks would still have to brake to turn in. Richard Pilla said that would make an accident more likely. Alastair Millns said there could be access from the narrow driveway only for the Fire Department. That would avoid a curb cut on Camp Sargent Road. Jason Hill said a delivery vehicle could not access the site from that narrow driveway. Ron Magoon said convenience is important. Camp Sargent Road access is an opportunity for a right turn directly to the drive-thru lane and out without having to circle the building.

There was no public comment.

The Planning Board liked the look and colors of the proposed building.

Nelson Disco asked about landscaping along Camp Sargent Road, which Richard Pilla said has not yet been fully developed. He wants to make an attractive area and would maintain the Town's right-of-way. Ron Magoon said there would be lighting and a fence along the back for employees' security at night and to create a barrier.

Jason Hill said he may need a waiver if there is a driveway on Camp Sargent Road. Nelson Disco asked about the kind of fence where the site abuts the detention basin. Jason Hill said there would be a 2'-3' high rock wall below the parking lot and a standard w-beam guard rail bolted into the wall. It would look like a highway guardrail.

Richard Pilla noted that the bank would lease the property from Shaw's Plaza. He will talk to the gas station, but the owner of the shopping center must agree.

The Board voted 7-0-0 to continue this item to December 6, 2016, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Vincent Russo.

5. Discussion/possible action regarding other items of concern

None.

6. Approval of Minutes – October 18, 2016

The minutes of October 4, 2016, were approved, with one change, by a vote of 6-0-1, on a motion made by Desirea Falt and seconded by Alastair Millns. Vincent Russo abstained.

The minutes of October 18, 2016, were approved, with changes, by a vote of 5-0-2, on a motion made by Alastair Millns and seconded by Nelson Disco. Desirea Falt and Vincent Russo abstained.

7. Adjourn

The meeting was adjourned at 9:45 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Vincent Russo