



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, OCTOBER 1, 2019

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, October 1, 2019 in the Matthew Thornton Room.

Robert Best, Chairman presided.

Members Present:

- Alastair Millns (Vice Chairman)
- Neil Anketell
- Councilor Bill Boyd, Ex-Officio
- Paul McLaughlin
- Lynn Christensen

Members Absent:

- Dan Ricker
- Nelson Disco

Staff Present: Robert Price, Planning & Zoning Administrator

1. Call to Order: Chairman Best called the meeting to order at 7:00 p.m.

2. Planning & Zoning Administrator's Report

Robert Price (Planning and Zoning Administrator) provided a year to date review of the administrative approvals granted by the Community Development Department. 31 Administrative Approvals have been granted since the beginning of the year:

- 12 Tenant changes
- 3 Home Occupations
- 9 Minor site revisions
- 7 ADUs

Alastair Millns stated that he has seen an influx of flutter flags over at the gas station across from Burger King and asked if he should come in and fill out a service request so that Community Development can follow up with enforcement. Robert explained that Community Development has sent them one in the past and the letter was ignored. He further explained that temporary signs are difficult to enforce the way the current ordinance is written, because they do not require a permit. Community Development staff is working on several amendments to the zoning ordinance and one of the changes being recommended is a requirement for permits for temporary signs. This change

will make temporary signs easier to enforce and regulate. Robert also commented that the gas station is currently working on a site plan and the issue with the flutter flags can be addressed with them when they submit the site plan for review.

Robert Price announced that new Assistant Planner Casey Wolfe started on 9/30/19 and will be attending the next Planning Board Meeting (10/15).

- 3. Alana Ferretti (applicant) and 4JT, LLC (owner)** – Review for acceptance and consideration of a waiver of full site plan review for the relocation of a daycare playground resulting in the elimination of 6 required parking spaces. The parcel is located at 4 John Tyler Street in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 041-10. Case # PB2019-31.

Alana and David Ferretti presented the project by explaining that the Childcare center (The Nest) is in the process of moving into 4 John Tyler Street and occupying a space that was also previously a childcare center. Alana Ferretti went on to explain that licensing regulations have changed in the last few years so they are looking to move the existing playground from where it is now, to directly in front of their units (F and G). Doing this would eliminate several parking spaces. The current playground is situated across the parking lot so moving it to the new location would increase safety so that the kids would not have to cross the parking lot to play. The move to the new location would also allow them to increase the size of the playground.

David Ferretti clarified that moving the playground to the new area adjacent to the building also serves as a secondary safety measure because if a child were to get out of the doors, they would be enclosed inside of the play area.

Parking was discussed as a big concern by the Board. The Board ultimately agreed that at least 70 parking spaces needed to be available on site following completion of the improvements, with either 3 or 4 ADA spaces being provided, depending on the final number of parking spaces. They also mentioned that several spaces on the plan appear to be numbered to correspond with specific units so the applicant may need to have the language in the condominium documents updated to reflect the change to the parking lot. Chairman Best also explained that the spaces being numbered is not a concern of the town, however, the site plan does need to accurately reflect what is completed.

Chairman Best also mentioned that the dumpster needs to be on an impervious surface when relocated.

Alastair Millns commented that he looked at the parking situation as it currently stands and the rear parking area has lost almost all of its lines but once the lines are re-done and the ADA spaces are added, he has no problem with what is being proposed.

Neil Anketell stated that he also looked at the space and agrees that the move will be a positive one but was concerned about how to prevent cars from accidentally driving into the play area. Alana Ferretti answered by explaining that granite curbing will be added in addition to high grade commercial fencing.

Neil Anketell also asked for clarification on where the fence is being placed, as it appears from the site plan that you have to enter the play area to access the building. Alana confirmed that you will have to enter the playground to access the building. David Ferretti clarified that the main entrance is further down and not accessed through the playground.

No public comment was received.

The Board voted 6-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Bill Boyd.

The Board voted 6-0-0 to waive full site plan review, on a motion made by Bill Boyd and seconded by Alastair Millns.

The Board voted 6-0-0 to require that at least 70 parking spaces be available following completion of the proposed improvements, on a motion made by Alastair Millns and seconded by Bill Boyd.

The Board voted 6-0-0 to grant conditional final approval, subject to the following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made by Alastair Millns and seconded by Lynn Christensen:

1. Final plans to be signed by all property owners;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan 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. Should it be determined that no revisions are required, the applicant shall provide written confirmation from the other owners within the Condominium Association that the existing documents will be acceptable following completion of the parking revisions on site;
5. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
6. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
7. The applicant shall address the following conditions made by the Planning Board during the public hearing:
 - a. The dumpster shall be placed on an impervious surface;
8. The applicant shall address the following Planning Staff Technical Comments:
 - a. Applicant shall show location of all existing ADA parking spaces on the plan;
 - b. Applicant shall correct the location of the crosswalk proposed for removal;

- c. Applicant shall show the minimum required ADA compliant parking spaces on the plan;
- d. At least 70 parking spaces shall be available on site at the completion of all proposed revisions;

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

- 1. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
- 2. The applicant shall address any comments from the Fire Department, as related to building fire code compliance, sprinkler systems, building addressing, etc., as applicable (that are not deemed precedent conditions).
- 3. The applicant shall address any forthcoming comments from the Building Department, as applicable.

4. Discussion/possible action regarding other items of concern

Chairman Best reminded the Board that the NH Municipal Association land use workshop is coming up and hopes that some of the Board is able to attend. Robert Price added that the annual NHMA conference is on November 13th and 14th.

5. Approval of Minutes — September 17, 2019

The Board voted 6-0-0 to approve the minutes of September 17, 2019 as submitted, on a motion made by Bill Boyd and seconded by Paul McLaughlin.

6. Adjourn

The Board voted 6-0-0 to adjourn, on a motion made by Bill Boyd and seconded by Alastair Millns. Meeting adjourned at 7:30 p.m.