



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 SEPTEMBER 6, 2022

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, September 6, 2022 in the Matthew Thornton Room.

Members Present:

- Robert Best (Chair)
- Brian Dano
- Jaimie von Schoen
- Town Councilor Barbara Healey - Ex-Officio
- Haleem Mediouni – Alternate
- Maureen Tracey – Alternate
- Nelson Disco – Alternate

Members Absent:

- Paul McLaughlin (Vice Chair)

Staff Present: Robert Price, Planning & Zoning Administrator

1. Call to Order

Chair Robert Best called the meeting to order at 7:00 p.m. and led everyone in the Pledge of Allegiance. He appointed Alternate Nelson Disco to vote for Paul McLaughlin.

2. Planning & Zoning Administrator's Report

None

3. Consent Agenda

- a. Regional Impact Determinations*
- b. Extension Request: Extension Request: six month conditional approval extension for the warehouse, project located at 50 Robert Milligan Parkway (case # PB2021-32).*
- c. Extension Request: Extension Request: six month conditional approval extension for the Flatley high-bay warehouse, project located at 707 DW Highway (case # PB2021-24).*
- d. Extension Request: Extension Request: six month conditional approval extension for the Flatley Commerce Park access road project located on DW Highway (case # PB2021-29).*

The Board voted 7-0-0 to approve the consent agenda on a motion made by Lynn Christensen and seconded by Nelson Disco.

- 1. Dick Anagnost/GTONH LLC (applicant/owner)** – Continued review for acceptance and consideration of final approval of a Site Plan Review to construct two multi-family residential buildings totaling 48 units in accordance with the NH workforce housing statutes (RSA 674:58). The parcel is located on Twin Bridge Road in the in the R-4 (Residential), Aquifer Conservation, Town Center Overlay, Elderly Housing Overlay and Planned Residential Development Overlay Districts. Tax Map 5D-3, Lot 114. Case # PB2022-25. ***This item is continued from the June 7, July 5, and August 2, 2022 Planning Board Meetings.***

Robert Price began by reminding the Board that although this application was continued a couple of times while the PUD amendment was being sorted out, the Board has not yet been provided with a presentation on the proposal. The PUD amendment was approved at the August 2, 2022 Planning Board meeting so the Site Plan application is ready to be heard and staff recommends that it be accepted as complete.

Nelson Disco asked what (if any) special considerations need to be taken by the Board because the proposed project is Workforce Housing. Mr. Price advised that there are statutory requirements regarding cost and time frames that basically boils down to working with the developers to make sure these types of projects come to fruition. He then summarized two sections of New Hampshire's Workforce Housing Law (RSA 674:58 through 61).

The Law's Core Meaning

- All municipalities must provide reasonable and realistic opportunities for the development of workforce housing, including rental and multi-family housing.
- The collective impact of all local land use regulations adopted under RSA 674 shall be considered to determine if such opportunities exist (a facial test).
- Workforce housing of some type must be allowed in a majority of land area where residential uses are permitted (but not necessarily multi-family in a majority of such areas).
- Existing housing stock shall be accounted for to determine if a municipality is providing its "fair share" of current and reasonably foreseeable regional need for workforce housing.
- Reasonable restrictions may be imposed for environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.

Land Use Board Process

- As part of the application, the developer must notify the board in writing that a workforce housing development is being proposed—the applicant must invoke the statute.
- Planning board RSA 676:4 plat review (or other process) proceeds as normal, but discussions of cost should be part of this.
- Upon approval with conditions, the board notifies the applicant of the conditions, who then has at least 30 days to identify the cost impact of the conditions upon the economic viability of the project. The board may then modify its conditions accordingly.

Chairman Best added that there is also a piece of the statute that states that the lot size and density requirements are reasonable which can be interpreted as the developer being able to deliver a project with a market rental that fits workforce housing,, which circles back to cost.

Jason Lopez (Keach-Nordstrom Associates, Inc.) and Dick Anagnost (GTONH, LLC) presented the application to the Board. Mr. Lopez gave an overview of the project by describing it as two three story buildings that will contain a total of 48 two bedroom workforce housing units (24 units in each building). The parcel in question is located on Twin Bridge Road at the end of the plaza with

Tractor Supply (The Commons Plaza). The lot was originally approved in 1978 as part of the Commons PUD and was part of the Commercial component which at the time was the Marketplace Plaza. In 1981, the subject lot was subdivided from the plaza and has remained vacant ever since until this proposal from the applicant to construct two workforce housing residential buildings. Mr. Lopez added that the applicant was granted a variance to allow for the additional units because the original PUD language included a maximum of 400 residential units which would have been exceeded with the addition of the proposed 48 units (the Commons PUD currently has 372 units). During the Zoning Board meeting, several abutters voiced concerns about the traffic in the area and especially on Twin Bridge Road. As a result of this, the applicant hired a veteran traffic engineer (Steve Pernaw) to complete a traffic assessment and worked with the local Fire Department to come up with a plan to discourage traffic on Twin Bridge Road. The Fire Department was not supportive of gating the access because it causes issues in the event of an emergency, however they did agree to the existing entryway being moved so that it is not a clear shot into the plaza and erecting signage and directional arrows indicating emergency access only. The apartments will have a Twin Bridge address but the traffic will be routed through the plaza parking lot to the light at DW Highway & Front Street.

Mr. Anagnost cited examples of other properties he owns that have a similar traffic pattern and explained that the tenants are provided documents on entering and exiting the premises when they sign the lease. Chairman Best asked if there will be on-site management for the apartments and Mr. Anagnost confirmed that there will be management there during the day.

Mr. Lopez continued by explaining that the only off-site improvement that is planned is a sidewalk along Twin Bridge Road. The traffic analysis revealed that the minimal traffic increase does not warrant any additional changes. He then used the presentation plan to demonstrate the location of the proposed sidewalk as well as the re-located entrance to the site. Mr. Lopez also used the plan to show that there are internal sidewalks planned throughout the site and where the 77 proposed parking spaces will be located. Some of these spaces are in the parking lot of the plaza but there is a joint agreement with the two sites for parking, drainage and utilities. Chairman Best asked if removing the spaces from the plaza will make them short on parking and Mr. Anagnost stated that it would not have an impact as there are over 600 spaces available for that plaza, and they are currently underutilized.

The specifics of the traffic analysis were discussed in detail and Mr. Anagnost shared some of the results that were compiled by the Mr. Pernaw. Mr. Lopez briefly reviewed the plans for drainage and Mr. Anagnost discussed the utilities for the site, including the plans to convert all of the buildings from propane to natural gas. Chairman Best asked about the location of fire hydrants on the property and Mr. Lopez demonstrated the proposed location of two new fire hydrants.

Maureen Tracey asked for clarity on the apartments being workforce housing. Mr. Anagnost explained that all 48 units will be workforce housing and they are targeting 60% of the median income which basically equates to an income of \$45,000.

The Board voted 7-0-0 to accept the application as complete for review, on a motion made by Lynn Christensen and seconded by Brian Dano.

Councilor Healey expressed concerns about the traffic and ensuring that the residents do not use the emergency access as a regular means of entering and exiting the property. Mr. Lopez pointed out where the signage will be placed identifying that the access is for emergency use only and shared that there will also be markings on the ground calling attention to it. She asked if the

building manager will be ensuring that the access is not misused and Mr. Anagnost reiterated what he stated previously about the tenants being made aware of the access points and parking when they sign the lease. He added that because it is included in the lease agreement, they can issue violation letters with fines if tenants do not comply. He also stated that some of the abutters requested that no parking signs be added along Twin Bridge Road and if this is something the Board is in agreement with they will add them to the plan. Councilor Healey also asked if there are any plans for noise abatements near the plaza delivery entrance. Mr. Lopez stated that there is nothing significant planned besides landscaping and a fence. Mr. Anagnost added that since the plaza does not have loading docks, most of the deliveries to the plaza are not by tractor trailers...the only business that typically gets tractor trailer deliveries is Tractor Supply, which is located on the opposite end of the plaza.

Chairman Best asked staff if they know why the access was not allowed to be gated if the one at the Neighborworks Development at Angelo Lane was. John Manuele (Town of Merrimack Fire Marshal) responded to the question by indicating that the difference in the two projects is that the entryway in question is an existing access that the Fire Department has used for years and the Neighborworks access had to be created.

Mr. Disco stated that he is not convinced that funneling all of the traffic through the plaza is a good idea. He also recommended that the internal sidewalks around the buildings connect to the shopping plaza. Mr. Lopez stated he would look at it and add the connection if possible. The discussion about salt use was raised by Mr. Disco and Mr. Price confirmed that salt use is restricted on this site but is not restricted at the plaza. Mr. Lopez added that they are working with DES on the drainage design because of the proximity to St. Gobain and will follow the direction they are given. Mr. Lopez then have a detailed explanation of the current drainage system and the changes they are proposing.

Mr. Disco then asked for clarification on the parking, specifically for numbers of what is being removed from the commercial site and added to the residential units. Mr. Anagnost explained that they are removing 37 spaces and reallocating another 20 from the plaza to the residential buildings. The plaza currently has almost 600 spaces and only requires 360 to meet the parking requirements. Mr. Disco then asked about accommodations for electric vehicles and bicycles. Mr. Lopez stated that there are no plans at this point for electric vehicle charging stations as the intent of a workforce housing project is to keep the costs down. Mr. Anganost added that they have no concerns with adding bike racks as they are typically included in his projects.

Mr. Anketell asked about snow storage and what the plans are if we have a heavy snow year. Mr. Anagnost responded that they do typically stockpile the snow in the parking lot when necessary because they have so much excess parking. Mr. Price clarified that there is a notation on the plan that snow will be removed off-site when necessary.

The sidewalk topic was raised again and whether or not the applicant should add a sidewalk near the delivery entrance and linking to the Twin Bridge Trail as suggested previously by Mr. Disco. Mr. Price stated that when he took a rough measurement using the GIS and found that it is approximately 470 feet from the parcel to the trail entrance. This does not include the additional 60/65 feet for the section near the delivery entrance. Chairman Best reminded the Board that cost needs to be considered because the major objective is to keep the project cost down to allow the rents to stay within the workforce housing threshold. He stated that the street itself is not busy and could easily be traversed without the addition of a sidewalk.

Mr. Disco asked Mr. Lopez to review the lighting plan as he feels that there is some spillover of lights onto the plaza property. Mr. Lopez reviewed the plan and pointed out the area in question indicating that the spillover will help to add lighting to the plaza as well as the area that the residents will be parking.

Mr. Anketell asked if the apartments will be pet friendly and Mr. Anagnost replied that they will be. He then asked where the residents will walk their pets because there is not a lot of green space shown on the plans. Mr. Lopez stated they have not given it any thought and Mr. Anketell recommended that it be something they think about.

Chairman Best asked the Board to circle back to the sidewalk discussion to determine if they want to require the 60/65 foot piece that was previously discussed. The consensus of the Board was that the additional sidewalk piece is not necessary.

Mr. Price asked Mr. Lopez to discuss the location of the dumpster as mentioned in the staff memo. Mr. Lopez demonstrated the current proposed location of the dumpster and explained the reasons why they decided to place it there. He then demonstrated a couple other locations they considered and the general consensus seemed to be that they chose the most appropriate location.

Mr. Disco asked about the location of signs and Mr. Lopez indicated that he has had a couple of discussions with staff about a ground sign but no final decisions have been made. He also indicated that the buildings will be numbered on both sides of the building for emergency responder purposes.

Councilor Healey asked what color the buildings will be and Mr. Anagnost confirmed light gray. Chairman Best asked if any waivers were requested and Mr. Lopez replied no.

Public comment

Jack Longa (17 Twin Bridge Road) asked for clarification on how residential units are being allowed with a commercial development. Chairman Best walked through some of the history of the site with Mr. Longa, explaining that the mixed use as approved in the 80's when the PUD was approved. He also explained that the current owner (Mr. Anganost) received approval from the Zoning Board (variance) and Planning Board (PUD amendment) to expand the number of residential units. Mr. Longa commented that he hopes that a playground is being considered for the development because his company runs trucks down Twin Bridge Road every day. He also expressed concerns on the street becoming narrower if sidewalks are added and stated that he is in favor of the entryway being moved and narrowed.

Steve Cook (7 Twin Bridge Road) asked if the applicant could install a privacy fence along Twin Bridge Road in front of the units to prevent lights from shining into his property.

Robert French (3 Twin Bridge Road) requested that there be a no parking zone established along Twin Bridge Road with signs posted. He added that he would also like to see a privacy fence erected and that he would prefer a gate cutting off the access to the plaza and shared some history that at one time it was a one way entrance.

Richard Foote (129 Indian Rock Road) asked if the traffic for this development was going to funnel through Twin Bridge Road or the plaza. Chairman Best clarified that the traffic will be

funneled through the plaza and come out at the light on Front Street. Mr. Foote then asked if a traffic light will be added at the top of Twin Bridge Road and Chairman Best confirmed that there are not any plans for that since the traffic is being funneled through the plaza.

Mr. Anagnost responded to the public comments by clarifying the parcel is zoned residential and it is the commercial component that is allowed through the PUD. He also stated that they are proposing landscaping to screen the buildings as opposed to fence and that he would be willing to erect no parking signs along Twin Bridge Road if that is what the Board would like done. Mr. Lopez added that they will not be cutting into the existing Right of Way for the sidewalk so the road will stay the same width.

Chairman Best asked Mr. Price if Public Works offered any feedback on the impact to stormwater run-off with the addition of granite curbing for the sidewalks. Mr. Price indicated he would look through the department comments to see if they had concerns and added that any no parking signs along the road would need approval by the Highway Safety Committee and Town Council. Chairman Best reminded the Board that if they choose to make the no parking signs a condition of approval they will need to clear in their motion that it is contingent upon the approval from the Highway Safety Committee and Town Council.

Chairman Best asked Mr. Lopez to walk through the landscaping plan to get an understanding of what will be in place for privacy. Mr. Lopez shared the plan and advised the Board that they did receive feedback that they need to add additional landscaping to the plan so they plan on working with staff on revisions to the landscaping plan. Chairman Best recommended that they consider evergreens and shrubbery that will help block headlights.

The conversation turned to playgrounds and outdoor amenities and Mr. Anagnost confirmed that there are no plans to build a playground because his experience from his other buildings is that the kids are not interested in playgrounds any longer. They are also expecting a low population of children (approximately 12) in the buildings. Chairman Best agreed that playgrounds do not draw in children like they used to. As for other outdoor amenities, Mr. Anagnost confirmed that there is green space between the proposed fence and building that could be used as a designated barbeque area.

An extensive conversation about salt use and Green Pro Certification ensued and the applicant advised the Board that all of the snow plow contractors he uses are Green Pro certified due to insurance liabilities. The ultimate consensus for the lot in question is that salt is not allowed so the note on the plan regarding such would remain unchanged.

Mr. Disco questioned the closing of the entryway again and Chairman Best stated that his preference would also be to leave it as it currently exists but he trusts the Fire Department and if they are ok with moving the entrance that is good enough for him. Fire Marshal Manuele clarified that the Fire Department would also prefer to leave the entryway as it but the way it is shown in the plan was a compromise because the applicant had originally requested to gate the current access. Mr. Anagnost added to Mr. Manuele's comments by explaining that the abutters had requested that the entryway be gated so they were trying to fulfill their request by moving the entryway and making it emergency access only. Mr. Lopez also added that because of the sight distance turning left onto DW Highway from Twin Bridge, the traffic consultant also recommended funneling the traffic through the plaza. Several other Board members offered their opinions on the entrance to the plaza but the ultimate decision was to allow the applicant to move forward with the design presented on the plan.

The Board voted 6-1-0 to grant conditional final approval on a motion made by Lynn Christensen and seconded by Barbara Healey. Nelson Disco voted in opposition. The following precedent conditions apply:

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall provide draft copies of any applicable legal documents for review at the applicant's expense, by the Town's Legal Counsel;
4. The applicant shall address any comments from the town's peer review consultant (from their June 20, 2022 memo), Fuss & O'Neill, determined to still be applicable, and any final review comments from peer review following conditional approval;
5. The applicant shall meet with Merrimack Village District staff and address any of their comments or requirements related to the proposed connection to the public water system and provide a letter from Merrimack Village District indicating the availability of public water to the project;
6. The applicant shall address the following comments from the Public Works Department and Wastewater Division, as applicable:
 - a. All monuments are to be set in accordance with section 3.02, all lot corners and points of curvature along the right of way line shall be marked via stone monument;
 - b. Sewer comments:
 - i. Sheet 5: Both buildings shown connecting to sewer main at wye connection, all apartment buildings over 10 units must connect to the sewer main at a manhole with a minimum sewer service of 8 inches, as per Town of Merrimack SSES s3-07;
 - ii. Sheet 5: Sewer note 4 references 6 inch lateral must use 8 inch for Town of Merrimack SSES S3-07;
 - iii. Sheet 5: The back water valves are not shown on the plan. As required Town of Merrimack Sanitary Sewer Engineering Standards (SSES) S4-12 BACKWATER VALVE and S3-07 LATERAL SEWERS Back water valves are required on all sewer laterals, per the universal plumbing code;
 - iv. A note shall be added to the plans that all Sewer construction, inspections, testing, quality control shall conform to the methods and requirements under SSES S5. The Sewer Inspector shall be present during the required testing and all of the testing results shall be provided to the Inspector; there shall be 48 hours' notice given for all testing;

- v. A note shall be added to Sheet 5 to state that under no circumstances shall stormwater, surface water, ground water, roof runoff, subsurface drainage, geothermal discharge or untreated industrial process water is to be discharged into the public sanitary sewer system. In addition, there shall be no footing or floor drains connecting into the sewer system (SSES S3-01.1.e);
 - vi. Under SSES S3-02 General Design Criteria the anticipated flow calculation shall be provided. An allocation permit shall be filled out and filed with the Town of Merrimack Wastewater Division. The plans will need to be submitted to NHDES for sewer review due to the addition of sewer manhole(s). Please submit the application, 2 paper copies, a thumb drive with the electronic version and all fees (to be paid for by the property owner) to the Town of Merrimack Sewer Inspector;
 - vii. Sheet 10: Sanitary Service Detail: Remove the detail entirely the connection for each building is to be made at a manhole, not side lateral sewers. Provide a sewer manhole detail including the required frame and sewer cover;
 - viii. Sheet 10: Sanitary Service detail is missing the required backwater valve, detail must show how access to finished grade will be gained to service the valve. See Town of Merrimack SSES S5-20 BACKWATER VALVES;
 - ix. Sheet 10: Sanitary Sewer Service Detail shows a 6 inch sewer service and 8 inch sewer service is required for all apartment buildings over 10 units as per Town of Merrimack SSES S3-07;
 - x. Sheet 10 Sewer note 1: References 6 inch lateral and it shall be revised to an 8 inch required per section S3-07 as per the Town of Merrimack SSES;
 - xi. Sheet 10 Sewer note 5: Backwater valve is required within 2 feet from the outer foundation wall as per Town of Merrimack SSES Section S4-12;
 - xii. Sheet 10 Sewer note 6 the required minimum lateral sewer shall be 8 inch and has a minimum pitch requirement of .005 inch per foot as per the Town of Merrimack SSES Section S3-04;
 - xiii. Sheet 10 Sewer note 9: States that sewer and water will not be laid in the same trench and the detail provided depicts water and sewer to being laid in the same trench please revise the details;
 - xiv. Sewer profiles must be provided as per Town of Merrimack SSES S2-04.6;
 - xv. Demand calculations for the building must be submitted and sewer allocation approved prior to plan acceptance. No additional flows are to be added to the sewer without proper approval;
- c. Drainage Comments:

- i. In addition to the Pre-Construction meeting there shall be a Post-Construction meeting held prior to issuance of the Certificate of Occupancy. The notes on sheet 2 shall make reference to the following:
 1. An Operations and Maintenance Plan for the on-site drainage systems shall be prepared for the Pre-Construction meeting. The plan shall require the system to be inspected and cleaned yearly and is to be followed by yearly inspection reports on the drainage system to Community Development by June 30th of each year (per Site Plan Regulations Section 3.07 (b) (15)). The requirements will be run with the property and shall be transferred in the event of a sale of the property to continue these requirements in the future. This shall be noted on the plans.
 2. Sheet 2 Note 26 shall remove “Financial Guarantee” from the sentence.
- d. Streets/Driveway Comments:
 - i. Sheet 2 indicates that the existing entrance will only be used for emergency vehicles. This would leave the entire shopping plaza with only one means of ingress and egress. Is this allowed under the deeds and on the original set of plans for the plaza? If this entrance is going to be used then there shall be a stop sign along with a stop bar and the word “STOP” stenciled into the exit of the driveway. This needs to be shown on the plan.
 - ii. Driveway widths and radii shall comply with the standards set forth in the Subdivision Regulations. The entrance will need to have the appropriate curbed radii installed.
 - iii. The driveway entrance shall be upgraded as part of the site plan to meet the requirements established in 3.08.c.5.
 - iv. A sight distance plan shall be submitted to ensure that the 400 foot minimum sight distance can be obtained per 3.08.c.6.
 - v. It shall be noted on the plan that a Right of Way permit shall be obtained from the Highway Department prior to any work being conducted within the Town Right of Way, including but not limited to driveway construction, utility construction etc.
7. The applicant shall address the following comment from the Conservation Commission, as applicable: On parcels that are located in the Aquifer Conservation District and/or a Wellhead Protection Area, only low phosphate, slow release nitrogen fertilizers shall be used. While not required, it is recommended that the applicant utilize a soil testing facility to determine what levels and application rates are necessary prior to applying any fertilizer to the site.
8. The applicant shall address the following Community Development Staff Technical Comments:

- a. Because the project is being submitted as a workforce housing application, the applicant shall provide appropriate documentation and information to the Board to verify that the proposal meets statutory income limits and demonstrates how the project will maintain affordability once constructed, and clearly identifies if all or only a portion of the units are intended to be workforce units.
 - b. Please address all applicable peer review comments relative to the traffic impact analysis. Additionally, the applicant's traffic engineer shall review the revision to the access to Twin Bridge Road (as part of the most recent revised plans) and the impact on the analysis (though the access to Twin Bridge is intended for emergency vehicles only, it is likely that some amount of the site traffic will utilize the access as it is not proposed to be gated), which shall then reviewed by the Town's peer review consultant.
 - c. The applicant has not provided the required plan notes (from Section 4.11) for Existing and proposed use which shall be added to Site Layout sheet.
 - d. The applicant shall ensure that the property boundaries have the required monuments (and correct monument type) per Section 3.02 of the regulations.
 - e. The plans indicate several locations where access and parking crosses property lines. The applicant shall provide appropriate easements for any shared use across property lines and both indicate these easements on the plans and provide draft easement documents for review (Note 30 on sheet 2 indicates the necessity for easements, but they are not indicated on any of the plan sheets).
 - f. The applicant continues to misapply the interior parking lot landscaping requirements from Section 3.11.l of the regulations. The requirements reference the location of the parking lot in relation to the road providing access (here Twin Bridge Road) not from the building the parking lot serves. In this application, the parking lot to the west of the southerly building is considered a FRONT parking lot. The applicant shall review and revise the landscaping for the parking areas to ensure compliance with the regulations.
 - g. The applicant shall note that all lighting fixtures are full cut-off to ensure compliance with Section 3.13 of the regulations.
 - h. The applicant should clarify the intent of the "proposed sign meeting zoning requirements" indicated on the westerly building. Wall signs are not typically necessary for a multi-family development (building number signs, which are expected, are separately indicated on the plans).
9. The applicant shall add a bicycle rack in the vicinity of each apartment building.
 10. The applicant shall add "No Parking" signage along Twin Bridge Road provided such signage is recommended by the Highway Safety Committee and approved by the Town Council.

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

1. 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) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department,
2. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of the final Certificate of Occupancy.
3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
4. Any other general/subsequent conditions that may become necessary through final review of the application regarding mandating affordability under the statutory requirements or other items deemed applicable.
5. The project shall comply with all ICC Building, Fire and Life Safety Codes adopted by the State of New Hampshire, including all amendments:
 - a. The applicant will be required to submit a complete building permit application, provide the job location, indicate the scope of work, proposed use and estimated construction value;
 - b. All building construction plans and construction documents (associated with the building permitting process) shall prepared by a NH design professional engineer and shall be submitted to the Building Division with the application for code compliance review, prior to the Pre-Construction Meeting with Community Development.
6. The applicant shall address the following comments from the Fire Department:
 - a. All buildings, shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued.
 - b. All buildings shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued.
 - c. All buildings shall be tested for acceptable emergency services radio signal strength and if proven by testing to be deficient an approved radio BDA system shall be installed to meet the requirements of the Town of Merrimack. (NFPA 1 Section 11.10: In all new and existing buildings, minimum radio signal strength for fire department communications shall be maintained at a level determined by the AHJ. Where required by the AHJ, two-way radio communication enhancement systems shall comply with NFPA 1221.).
 - d. The proposed buildings shall be addressed as follows:

- i. Building 1, The 24 unit building located closest to Daniel Webster Highway shall be # 4 Twin Bridge Road.
- ii. Building 2, The 24 unit building located next along Twin Bridge Road from Daniel Webster Highway shall be # 6 Twin Bridge Road.
- iii. All apartments shall follow the approved unit numbering system. The building address followed by the unit number, all units on floor 1 in any building shall start at unit 101, on floor 2 shall start at 201, on floor 3 shall start at 301 and on floor 4 shall start at 401. The apartment numbers shall be as consistent as possible from floor to floor depending on actual floor plans, for example apartment 201 shall be directly above apartment 101, etc.

2. HHCI Properties, LLC (applicant/owner) - Review for acceptance and consideration of final approval of a Waiver of Full Site Plan to expand an existing parking area by 43 spaces and other associated site improvements. The parcel is located at 10 Al Paul Lane in the I-1 (Industrial), and Aquifer Conservation Districts. Tax Map 2D, Lot 004-05. Case # PB2022-30.

Mr. Price prefaced the presentation by sharing a correction to the staff memo which states that the applicant needs to seek a variance by the Zoning Board because the use (nursing school) is not permitted in the I-1 zone. Staff has since learned that the nursing school use was established at the Al Paul Lane site in 2006 and has received several building permits over the course of that time. Because of this, staff now considers the business as legal non-conforming so no action is needed by the ZBA.

Ethan Beals (Hayner-Swanson, Inc.) presented the application to the Board. He began by providing an overview of the property in question and the existing building, which is a 43,000 square foot, two story building that contains 4 tenants. One of those tenants (Harmony Health Institute) is a training facility for Licensed Practical Nurses (LPN) and they consume approximately half of the building, while the other three tenants share the remaining half. Mr. Beals explained that Harmony Health purchased the building in 2021 and would now like to expand the parking at the facility to allow their business room to continue to grow. The proposed parking space expansion will add 43 spaces (including 1 additional accessible space), curbing, and minor drainage improvements. Due to the limited scope of the project, and the fact that the existing catch basin can handle the increase to the impervious surface area, the applicant is requesting a waiver of full site plan and is hoping to begin construction this fall.

The Board voted 7-0-0 to accept the application as complete for review, on a motion made by Barbara Healey and seconded by Neil Anketell.

Chairman Best made the suggestion that landscaping the new parking areas would make the lot more attractive to the existing tenants. He added that he does not think a whole landscape plan is necessary but would like to see the applicant work with staff to bring in some new landscaping for the expansion. Mr. Beals clarified that they are not removing any existing landscaping to create the new spots but would be willing to work with staff on adding some additional landscaping.

No public comments were received.

The Board voted 7-0-0 to grant a waiver of full site plan review, on a motion made by Nelson Disco and seconded by Barbara Healey.

Mrs. Christensen asked about a question on the staff memo from Public Works regarding the use of a parking lot on an adjacent property. Apparently there was once an agreement with the previous owners that the lot could be used by the tenants at 10 Al Paul Lane however it was just an agreement and not a legal easement and the agreement has since expired so the applicant is no longer using that lot for parking.

Mr. Disco asked if the parking meets the town's requirements and Mr. Price confirmed that there is an excess of parking spaces on the site. Mr. Beals elaborated by explaining that the calculation requirement is 152 spaces which is exceeded even before the proposed expansion.

Mr. Price advised Mr. Beals that Public Works noted that there does not appear to be any snow storage areas designated on the lot and in years past the snow from the parcel has been pushed across the street to Manchester Street. Public Works has requested that this action be stopped and a note be added to the plan that states excess snow needs to be hauled off-site.

The Board voted 7-0-0 to grant conditional final approval on a motion made by Nelson Disco and seconded by Barbara Healey. The following precedent conditions apply:

1. Final plans to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans.
2. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and provide copies to the Community Development Department, as applicable.
3. The applicant shall provide draft copies of any applicable legal documents for review at the applicant's expense, by the Town's Legal Counsel.
4. The waiver of full site plan review shall be listed and fully described in the notes on the final plan.
5. The applicant shall address the following comments from the Public Works Department, as applicable:
 - a. Verify that under Section 4.18(a) all monuments that need to be set at all street intersections, points of curves and angle points on Al Paul Lane have been completed and noted on the plans.
 - b. Note 12 on Sheet 1 should be revised to read "monuments shall be set prior to final site plan approval" instead of certificate of occupancy. The building is already existing and therefore might not require a certificate of occupancy.
 - c. The existing utilities have not been shown on the plan. Are they adequate for the increase in parking?

- d. Due to the increase in parking, is there going to be an increase in employees, thus increasing the sewer flow from the building? Is there a change of use involved with this application?
 - e. What are the existing and proposed sewer allocations?
 - f. The sewer lines have not been shown on the plans. What are the specifications for the existing pipes? Any changes to the use or occupancy will require an upgrade of the sewer to the current standards.
 - g. Are the additional parking spaces going to increase the runoff off site that impact both Town and private drainage systems? Calculations have not been provided as part of this review. There is an additional catch basin shown however there is no indication how stormwater is going to be treated.
 - h. A note shall be added to the plan to state that no additional driveway access may be added to Manchester Street or Al Paul Lane without Planning Board and Public Works Department approval.
 - i. Presently there is an issue with snow being pushed across Manchester Street and Al Paul Lane creating issues on the other side of each roadway. The snow storage shall be shown on this plan since some of the areas for snow storage are now being used as new parking areas.
 - j. Sheet 3, Note 12 states that snow is not to be pushed or stockpiled across Manchester Street and Henry Clay Drive. Please change Henry Clay Drive to Al Paul Lane.
 - k. Parking calculations on the plan do not indicate why there is an increase in required parking spaces thus creating impacts for drainage and sewer.
 - l. The applicant shall address any forthcoming comments from the Wastewater Division of Public Works, as applicable.
 - m. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable.
6. The applicant shall address the following Planning Staff Technical Comments:
- a. Applicant shall revise parking calculation on the plan to clearly identify the building's existing tenants & parking requirement for each.
 - b. Applicant shall add a note that reads "No salt or chemical de-icers are to be used for winter maintenance, and winter maintenance shall be performed by a Green Sno-Pro certified (or functional equivalent certification) contractor."
 - c. Applicant shall add a note that indicates excess snow not capable of being stored within the delineated snow storage areas on site shall be removed from the site.

- d. The applicant provided a drainage letter alongside their application submission, but this letter shall be stamped by a New Hampshire registered Professional Engineer prior to plans receiving final approval (signature) of this site plan.

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 forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable (that are not deemed precedent conditions).
3. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).

3. Discussion/possible action regarding other items of concern

Chairman Best announced that Assistant Planner Casey Wolfe has accepted a job as Town Planner in the town of Epping NH. The town is now seeking a new Assistant Planner and Casey will be missed.

4. Approval of Minutes — August 16, 2022

The Board voted 6-0-1 to approve the minutes of August 16, 2022, as amended, on a motion made by Lynn Christensen and seconded by Barbara Healey. Neil Anketell abstained.

5. Adjourn

The Board voted 7-0-0 to adjourn at 9:37 p.m. on a motion made by Barbara Healey and seconded by Jaime van Schoen.