



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

MEMORANDUM

Date: July 14, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Edgebrook Heights, LLC, Wigston Properties, LLC and Q. Peter Nash 1987 Rev. Trust I (co-applicants/co-owners)** – Review for consideration of a 12 month extension of a previously approved 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.

Background: At the meeting on August 19, 2014, the Planning Board granted conditional final approval of the application for a Conditional Use Permit to permit a future mixed-use development consisting of retail, office, multi-family residential and assisted living 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 (please see previous staff memo, attached minutes and decision letter outlining conditions). The subject parcels (combined) contain a total of approximately 35.81 acres of land.

Since the August 2014 approval, the applicant has been held up by an appeal of the Planning Board's decision filed by the abutting property owner and tenant (NIP Owner and Nanocomp, regarding the shared use of the access drive on the NIP/Nanocomp property), and has been considering amendments to the CUP.

The Town and appellants have come to an agreement that the appeal of the CUP will be held until such time that the site plan for the lot that would potentially use the shared access is decided upon by the Planning Board. Given these obstacles, the Edgebrook applicants have not proceeded to finalize their approval while the result of the appeal was in question.

Therefore, Edgebrook is requesting an extension to meet the precedent conditions of approval conditionally approved on August 19, 2014 (Please see attached letter from the applicant).

Given that there have been no changes to any ordinances or regulations that impact this project; **Staff recommends that the Board grant the request for the 12-month extension, effective from the previous expiration date of August 19, 2015 (making the expiration date for the conditional approval August 19, 2016).**

cc: File
Correspondence
Wigston Properties, LLC. & Edgebrook Heights, LLC; Applicants
Q. Peter Nash 1987 Revocable Trust; Property Owners

ec: Jim Petropulos, PE, LEED AP; Hayner/Swanson, Inc.
Brad Westgate, Winer & Bennett
Fire Captain John Manuele
Deputy Public Works Director Kyle Fox
Building Official Fred Kelley
Carol Miner, Building Department

Edgebrook Heights, LLC
Q. Peter Nash 1987 Revocable Trust
Wigston Properties, LLC
179 Amherst Street
Nashua, NH 03064
603 879-9021

June 26, 2015

Mr. Timothy J. Thompson, AICP
Community Development Director
Town of Merrimack
6 Baboosic Lake Road
Merrimack, NH 03054

RE: Edgebrook Heights, et. al., Conditional Use Permit-- August 19, 2014

Dear Mr. Thompson:

On August 19, 2014 the Town of Merrimack Planning Board voted to grant conditional final approval of the application of Edgebrook Heights, LLC, Q. Peter Nash 1987 Revocable Trust and Wigston Properties, LLC for a Conditional Use Permit for its property located at 1, 37, 39, 55 and an unnumbered parcel, D.W. Highway, Merrimack, NH.

The purpose of this letter and accompanying Application for Conditional Use is to request a 12 month extension to the August 19, 2014 approval.

Thank you.

Sincerely,



Bernard N. Plante

Manager & Agent for Owners

RECEIVED
JUN 26 2015

COMMUNITY DEVELOPMENT DEPT.
TOWN OF MERRIMACK