



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MEMORANDUM

Date: February 24, 2016

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

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Michael Moquin (applicant/owner)** - Review for acceptance and consideration for Final Approval for a waiver of full site plan to permit a Multi-family dwelling located at 56 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 030.

Background: Map 2D, Lot 30 is located at 56 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts and is abutted by S&J Motor Company, Skip's Marine, FW Webb (former Nashua Corp. building) and Nanocomp Technologies. The property is serviced by municipal water and sewer.

In 1997, this property was granted a Special Exception to allow a residential use in the Industrial District and also a variance to allow a two-family dwelling in the Industrial District. In 2003, an Administrative Decision that a 40' x 50' detached garage *was not* a customary secondary accessory building to a two-family residential dwelling was overturned by the ZBA (meaning that the ZBA felt the garage *is* a customary secondary accessory building) and subsequently, a rear setback variance was granted.

At the Zoning Board of Adjustment hearing held on January 27, 2016, the ZBA granted a Variance under Section 2.02.4 (B) of the Zoning Ordinance to permit a Multi-Family dwelling in the I-1 (Industrial) district. Further, the Board voted to grant Variances under Section 3.02 of the Zoning Ordinance to permit a Multi-Family dwelling on a lot of 43,560 s.f. whereas 120,000 s.f. is required; frontage of 150 feet whereas 200 feet is required; side setback of 30 feet whereas 50 feet is required; and rear setback of 30 feet whereas 60 feet is required.

The applicant is seeking a waiver of full site plan review to permit the use of a portion of the existing garage as a third dwelling unit on the property, therefore permitting a multi-family dwelling. According to the applicant, the proposed plan is to take the existing garage and extend it out 17 ft. on the left side. 10 ft. of it will be living space and the other 7 ft. will be a wrap-around porch. An additional 20 ft. inside the existing garage would be used to create a 30 ft. x 40 ft. living space (1,200 sq. ft.). The space would contain 2 bedrooms and 1.5 baths. The applicant should clarify if the "existing workshop" on the site plan is attached to the existing garage as depicted. In addition, as this section of Daniel Webster Highway is under NHDOT jurisdiction, the applicant should confirm if a DOT permit is required.

Completeness

Staff recommends that the Board carefully consider whether to accept the application, and determine if it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision. The planning staff also recommends that the Board determine if annotations to a previous plan is sufficient to justify the waiver of full site plan review.

The Board will need to determine if the presented plan is satisfactory, if the applicant can make additional changes to make it satisfactory, or if a fully engineered plan is more appropriate for this use.

Waivers

The Applicant has requested a waiver of full site plan review. The applicant is not requesting any additional waivers at this time, however, should any be requested, Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Parking: Staff has determined that nine (9) parking spaces are required because 1.25 spaces are required per bedroom plus 0.5 per dwelling unit. The existing house has 4 bedrooms per assessing and the third dwelling unit is proposed to have 2 bedrooms. The required number of parking spaces should be depicted on the annotated site plan.

Staff recommends that, should the Board grant conditional final approval of the site plan, it is granted with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans to be signed by the Applicant and Property Owner;
2. Applicant to provide a copy of an updated driveway permit from NHDOT (as applicable) to the Community Development Department and add a note to the plan indicating the updated permit;
3. Any waivers granted (including Section and date granted) or any changes requested by the Board shall be listed and fully described on the final plan, as applicable;
4. Applicant shall address any forthcoming comments from the Conservation Commission, Highway Department, Fire Department, Assessing Department, and Pennichuck Waterworks, as applicable;
5. The applicant shall address the following comment from the Building Department, as applicable:
 - a. Add notes to indicate all currently enforced fire safety, building and electrical codes to be utilized where any modification to existing structure take place
6. The applicant shall address the following staff technical comments:
 - a. The plan should include the following notes:
 - i. Property Address, Tax Map & Lot, Owner;
 - ii. Purpose statement;
 - iii. Zoning District(s)
 - iv. Number of dwelling units and bedrooms per each unit;

- v. Parking spaces required and provided;
 - vi. Water and sewer sources;
 - vii. Variances and special exceptions granted and date granted.
- b. The plan should clearly show the boundary lines of the parcel to scale and typos corrected;
 - c. The plan should have a north arrow, date, dates of revisions and any applicable reference plans;
 - d. The required parking spaces (9) should be clearly depicted on the site;
 - e. The existing workshop depicted on the plan should be removed if it does not exist on the site;
 - f. Daniel Webster Highway should be identified on the plan;
 - g. The driveway access should be clearly identified and labeled;

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. A certified plot plan is required per Section 6 of the Merrimack Subdivision and Site Plan Regulations for a certificate of occupancy;
2. Applicant shall address the following comments from the Wastewater Division, as applicable:
 - a. Backflow preventers must be installed for each dwelling;
 - b. A clean-out must be installed just upstream of the connection to the existing sewer lateral;
 - c. Each unit will be billed separately (two sewer bills) when the new connection is made.
3. Additional code requirements may be requested with building permit applications.

cc: File
Correspondence

ec: Michael Moquin, property owner
John Manuele, Fire Marshal
Carol Miner, Leslie Tejada and Fred Kelley, Building Department
Ken Conaty, Wastewater Division