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: March 31, 2016

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

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

Subject: **College Bound Movers (applicant) and Sam A. Tamposi, Harold Watson & Benjamin M. & Clegg Bosowski (owners) –** Review for acceptance and Final Approval of an application to construct a 4,800 s.f., 2-story building addition and convert existing space from a warehouse to self-storage and office space. The parcel is located at 14 Continental Boulevard in the I-1 (Industrial), and Aquifer Conservation Districts, and Wellhead Protection area. Tax Map 3C, Lot 089.

Background: This project was originally on the March 1, 2016 agenda, but was withdrawn by the applicant. The project has been revised, and is now seeking approval for a modified building addition and renovations to the interior of the unit. Please see my February 25, 2016 Memo for background information.

The new application calls for the conversion of the space within unit 1 of the building to be a 2 story self-storage facility, with a building addition proposed to the front of the building (larger than previously proposed, the addition received a variance from the ZBA to be permitted within the front setback).

In preparing the new application, the applicant has addressed many of the previous comments originally made to the initial application that was withdrawn. Proposed conditions are primarily administrative or clarifying in nature, as well as addressing any forthcoming comments from those departments that had not commented on the revised plan.

Completeness: 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 the Board to make an informed decision.

Waivers: The applicant has not requested any waivers.

Recommendation: Should any waiver be determined necessary, staff recommends *that they be provided in writing to the Board*, and 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.

The planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;

2. The applicant shall obtain any required State Permits, provide copies of the permits to the Community Development Department, and note the approvals in the notes on the plan (if applicable);

3. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;

4. The applicant shall address the following comment from the Public Works Department: The drainage impact note per Section 4.16(c) should be added to the plans;

5. The applicant shall address the following planning staff technical comments:

    a. The applicant shall clarify if the "second floor building addition" within the existing footprint of the building is internal construction within the existing "shell" of the building, or if it will be additional exterior construction adding height to the existing building;

    b. The applicant shall revise the parking calculations for the proposed project in Note 16 on sheet 3 (currently indicating "warehouse & storage" whereas "self-storage facility" would be the applicable use category from the regulations);

    c. The Board should review and confirm that the proposed relocated sidewalk and landscaping is appropriate for the site;

    d. The plan indicates an encroachment of pavement on to the abutting property (3C/76), which appears to have existed for a number of years. The Board should determine if any action is necessary by the applicant to address this encroachment (such as the applicant providing documentation that the encroachment is OK with the abutting property owner, Merrimack Village District; removing the encroaching pavement; or a lot line adjustment with the adjacent parcel to contain the pavement within the subject lot.).

Staff also recommends that the following general and subsequent conditions be 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) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the building addition.

3. This building has an existing NFPA-13 compliant fire sprinkler system. This system shall remain in service during all times the building is occupied by the public. System shutdowns and modifications due to demolition and construction will be permitted only after the Merrimack Fire Marshal has received notice and approved said shutdown;

4. The new addition shall be fully protected by an approved NFPA-13 compliant fire sprinkler system. This system may be connected to the existing building sprinkler system, however due to the age of the building a full system inspection of the existing system by a qualified sprinkler contractor or fire protection engineer is required to ensure that the system is designed for the existing hazard and in proper working order. Also if the existing fire department connection (FDC) is a double 2 1/2 wye it shall be replaced with the now required 4" Storz connection with a 30 degree downturn;

5. This building has an existing NFPA-72 compliant fire alarm system. This system shall remain in service during all times the building is occupied by the public. System shutdowns and modifications due to demolition and construction will be permitted only after the Merrimack Fire Marshal has received notice and approved said shutdown;

6. The new addition shall be fully protected by an approved NFPA-72 compliant fire alarm system. This system may be connected to the existing building fire alarm system, however due to the age of the building a full system inspection of the existing system by a qualified fire alarm contractor or fire protection engineer is required to ensure that the system is designed for the existing hazard and in proper working order;

7. Building Plans must be submitted to the Merrimack Department of Fire Rescue for any revisions and/or changes to the current plan on file and must be reviewed and approved by the Merrimack Department of Fire Rescue, Office of the Fire Marshal. The design and any changes must be fully compliant with local, state and nationally recognized codes. The Fire Marshal reserves the right to require any changes by the Authority Having Jurisdiction (AHJ) or for regulatory compliance at any time;

8. The most recently adopted building, fire safety, and electrical code requirements will be requested with building permit applications.

cc: File
Correspondence

ec: Sam A. Tamposi, Harold Watson and Benjamin & Clegg Bosowski, Owners
Edward Smith, College Bound Movers, Applicant
Chad Branon, Fieldstone Land Consultants
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
Building Department Staff
John Manuele, Captain, Merrimack Fire Department
Loren Martin & Tracy Doherty, Assessing Department

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MEMORANDUM

Date: February 25, 2016

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

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

Subject: **College Bound Movers (applicant) and Sam A. Tamposi, Harold Watson & Benjamin M. & Clegg Bosowski (owners) –** Review for acceptance and consideration of Final Approval for site plan to construct a 3,000 s.f. office addition and walkway. The parcel is located at 14 Continental Boulevard in the I-1 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 089.

Background: The subject property is located at 14 Continental Boulevard in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. The subject parcel, 3C/89, is currently occupied by Mears Construction (Unit 2 of the building) and College Bound Movers (which recently received administrative approval from the Community Development Department to occupy Unit 1 of the building). The surrounding area is made up of a mix of commercial and industrial uses along Continental Blvd. The property is served by municipal water (MVD) and sewer.

Following the Administrative Approval for College Bound Movers, the applicant is now seeking to construct a small 3,000 square foot building addition to the front of Unit 1, to house administrative office space associated with the moving and storage business. The proposed addition would be essentially identical to the small office addition in front of Mears' Unit 2. The construction of this addition is proposed to be located 39 feet from the front property line, whereas 50 feet is required, and the applicant received a setback variance from the Zoning Board on February 24.

In conjunction with the construction of the addition, the proposed plan indicated a relocation and reconstruction of the existing pedestrian pathway that traverses the front of the property and a small pavement reconstruction and parking re-striping area near the southerly driveway. The application did not include drainage information, and Public Works has requested additional information to determine how the additional stormwater runoff will be managed (see proposed precedent conditions). Additionally, the project calls for the removal of several trees in the area of the proposed building addition. The Board should consider if additional landscaping is required to account for the loss of these trees (there currently are no proposed landscape improvements).

Completeness: **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 the Board to make an informed decision.

Waivers: The applicant has not requested any waivers.

Recommendation: **Should any waiver be determined necessary, staff recommends *that they be provided in writing to the Board*, and 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; **<u>or</u>**

- 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.

The planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;

2. The applicant shall obtain any required State Permits, provide copies of the permits to the Community Development Department, and note the approvals in the notes on the plan (if applicable);

3. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;

4. The applicant shall address the following comments from the Public Works Department:

    a. The plan should indicate what the intent of the additional stormwater runoff from the 3000 sf addition and the revised sidewalk area will be.

    b. The additional stormwater flow should not be directed toward the Town's existing system (CB300) or to Continental Boulevard.

5. The applicant shall address any forthcoming comments from the Fire Department, as deemed applicable by the Planning Board;

6. The applicant shall address the following comments from the Conservation Commission, as deemed applicable by the Planning Board:

    a. The Commission recommends note #12 under Erosion Control be updated so that it reads in the first paragraph that only low phosphate, slow release nitrogen fertilizers are used if required at all;

    b. The Commission further recommends that the applicant's contractor first utilize a soil testing facility to determine what levels and applications rates may be necessary before doing any application of fertilizes on the site;

7. The applicant shall address the following planning staff technical comments:

    a. Because the site is located both within the Aquifer Conservation District and Wellhead protection area, the applicant should add a note that no salt or chemical de-icers are to be used for winter maintenance, and that winter maintenance to be performed by a Green Sno-Pro certified (or functional equivalent certification) contractor;

    b. The applicant should note the administrative approval for College Bound Movers on the Existing Conditions Plan (as part of the "soon to be…" statement for Unit 1);

c. The applicant shall clarify Note 5 on the Site Plan, indicating the actual front side and rear setbacks in the second column (39' for nearest front, 50' for nearest side, and 95' for nearest rear);

d. The applicant should note the appropriate buffers from Section 10.01.4 of the regulations on the Plan. Additionally, the plan shall be updated as appropriate to include any additional landscaping as may be required by the Board;

e. The applicant should clarify if any proposed changes are to be made to site lighting, and if so provide an appropriate illumination plan, including all required notes and lighting fixture details as required by the regulations;

f. The applicant shall add the required statement from Section 4.06.1.k of the regulations to the notes on the Site Plan.

Staff also recommends that the following general and subsequent conditions be 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) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the building addition.

3. This building has an existing NFPA-13 compliant fire sprinkler system. This system shall remain in service during all times the building is occupied by the public. System shutdowns and modifications due to demolition and construction will be permitted only after the Merrimack Fire Marshal has received notice and approved said shutdown;

4. The new addition shall be fully protected by an approved NFPA-13 compliant fire sprinkler system. This system may be connected to the existing building sprinkler system, however due to the age of the building a full system inspection of the existing system by a qualified sprinkler contractor or fire protection engineer is required to ensure that the system is designed for the existing hazard and in proper working order. Also if the existing fire department connection (FDC) is a double 2 1/2 wye it shall be replaced with the now required 4" Storz connection with a 30 degree downturn;

5. This building has an existing NFPA-72 compliant fire alarm system. This system shall remain in service during all times the building is occupied by the public. System shutdowns and modifications due to demolition and construction will be permitted only after the Merrimack Fire Marshal has received notice and approved said shutdown;

6. The new addition shall be fully protected by an approved NFPA-72 compliant fire alarm system. This system may be connected to the existing building fire alarm system, however due to the age of the building a full system inspection of the existing system by a qualified fire alarm contractor or fire protection engineer is required to ensure that the system is designed for the existing hazard and in proper working order;

7. Building Plans must be submitted to the Merrimack Department of Fire Rescue for any revisions and/or changes to the current plan on file and must be reviewed and approved by the Merrimack Department of Fire Rescue, Office of the Fire Marshal. The design and any changes must be fully compliant with local, state and nationally recognized codes. The Fire Marshal reserves the right to require any changes by the Authority Having Jurisdiction (AHJ) or for regulatory compliance at any time;

8. The most recently adopted building, fire safety, and electrical code requirements will be requested with building permit applications.

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Carol Miner and Fred Kelley, Building Department
John Manuele, Captain, Merrimack Fire Department
Loren Martin, Assessing Department