



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: June 2, 2016

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

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

Subject: **Jesse M. Johnson, P.E. of Bohler Engineering for Woodspring Hotel Property Management (applicant) and 4 Executive Park Drive Realty LLC. (owner)** – Review for acceptance and consideration of Final Approval for a subdivision of one lot into two lots. The parcel is located at 4 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 076.

Background

Map 4D/ Lot 76 is located at 4 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts. The subject property is an approximately 16.8 acre parcel and is currently the location of the vacant, former Merrimack Hotel and Conference Center. The property is currently serviced by public water and sewer.

The existing lot abuts a vacant commercial parcel to the north, commercially developed parcels as well as NHDOT property to the east and south and Naticook Brook separates the parcel from residentially developed properties to the west.

The applicant proposes to subdivide the existing lot into two parcels (shown on the proposed plan as the 1.70 acre proposed lot and the 15.12 acre remaining area) for the purpose of constructing a new 48,000 sq. ft., 4-story extended stay hotel. Please see associated memo prepared for the site plan submission, agenda item #5, including a discussion of parking requirements. The submission materials indicate that the existing structure for the former Merrimack Hotel is to remain on the parent lot.

The proposed subdivision encompassing most of the parking area that was dedicated to the now defunct Merrimack Hotel necessitates a discussion of parking requirements for the new lot and the parent lot. The associated site plan submission outlines the new parking arrangement for the proposed hotel, which appears to comply with parking requirements but takes away from the parking previously dedicated to the former Merrimack Hotel. Should the previous hotel be restored or changed to a new use there would need to be a review of parking required and provided. Staff recommends that either a waiver is requested for the parking requirements of the former Merrimack Hotel or a note is added to the subdivision plans that indicates Planning Board review and approval will be required should the building be restored to its previous use or any new use.

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 relative to the subdivision plans. Should any be requested, Staff recommends that they be provided in writing to the Board.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:

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

Recommendation

Based on the information available to date, **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 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 any required State approvals/permits as may be applicable, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall provide draft copies of any applicable legal documents (including any easements) for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address forthcoming comments from Merrimack Village District, as applicable;
6. The applicant shall address forthcoming comments from the Wastewater Division, as applicable;
7. The applicant shall address the following planning staff technical comments:
 - a. Parking requirements for the parent lot hotel building shall be addressed by the applicant; either by a waiver request or a note added to the subdivision plans that indicates Planning Board review and approval will be required should the building be restored to its previous use or any new use.

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. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;

Cc: Planning Board File
Correspondence

Ec: Jack Knowles, WoodSpring Suites Merrimack NH, LLC (applicant)
James Prieto, 4 Executive Park Drive Realty (owner)
Promised Land Survey, LLS
Bohler Engineering, PE
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