



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MEMORANDUM**

**Date:** July 25, 2016

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

**From:** Robert Price, Assistant Planner

**Subject:** **Joseph Mitchell, Esquire (applicant) and Nikolaos Doulamis (owner)** – Review for acceptance and consideration of a waiver of full site plan to convert a single family residence to a multi-family residence. The parcel is located at 565 D.W. Highway in the C-1 (Limited Commercial), Aquifer Conservation District, Elderly Housing Overlay Districts, and Wellhead Protection Area. Tax Map 6D-1, Lot 123. **This agenda item is continued from the July 19, 2016 meeting.**

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### **Background**

Map 6D-1/Lot 123 is located at 565 Daniel Webster Highway. The property is located in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts and Wellhead Protection Area. The property is approximately 0.2 acres in size and contains an existing single-family detached dwelling. The property is abutted by vacant commercial land to the north, Merrimack House of Pizza to the west, and residences to the south and east. The property is serviced by municipal water (MVD) and sewer. The applicant is seeking a waiver of full site plan review to convert a single-family detached dwelling into a multi-family dwelling. There would be a 3 bedroom apartment upstairs, and two studio (efficiency) apartments located downstairs.

The plan shows an existing block wall that originates on Map 6D-1/Lot 124 and crosses over the boundary line onto the subject parcel. The applicant presently owns both lots, but the Board may wish to ask the applicant to relocate the block wall entirely onto Lot 124, or provide an easement between the properties so it does not become an issue in the future.

On December 30, 2015 the applicant was granted a Special Exception by the Zoning Board of Adjustment to permit the conversion of an existing legal non-confirming single-family dwelling into a multi-family dwelling. Also on the same date, the applicant was granted variances under Section 3.02 of the Zoning Ordinance to permit a lot with lot area of 8,712 s.f. whereas 40,000 s. f. is required; frontage of 80 feet whereas 125 feet is required; front set back of 28 feet whereas 30 feet is required; side set back of 15 feet whereas 20 feet is required; and depth of 110 feet whereas 125 feet is required.

### **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 requested a waiver of full site plan review. The applicant has also requested a waiver from Section 7.03 (E), Table 1 (Minimum Parking Required) to allow six parking spaces whereas eight spaces are required.

**In addition to the above, staff recommends a sidewalk waiver be submitted in writing** per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination that it is unnecessary with the waiver of full site plan review.

**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 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.

### **Parking**

As noted above, staff has determined that eight parking spaces are required because 1.25 spaces are required per bedroom (5), plus 0.5 per dwelling unit (3). This calculates out to a total of 7.75 (8) spaces being required. The plan shows a total of six spaces, and the applicant has accordingly requested a waiver from the Board.

### **Recommendation**

**Should the Board grant the waiver of full site plan review, 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 to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including Section and date granted) and/or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable;
4. The applicant shall address the following comments from the Building Department:
  - a. Add notes to indicate all currently enforced fire safety, building and electrical codes to be utilized where building construction takes place.
5. 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. The following items shall be added to the plan:

- i. Space for owner's signature;
- ii. Planning Board signature block;
- iii. A note pertaining to number of bedrooms per each unit;
- iv. A note outlining the required and available parking spaces.

**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 & Site Plan Review Regulations for a certificate of occupancy;
2. As this proposal constitutes a change of use from a single family residential property to an apartment building, the entire building shall be protected by an approved NFPA-13R compliant fire sprinkler system (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11). Plans shall be provided to the Office of the Fire Marshal for review and approval before a permit can be issued;
3. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to the Office of the Fire Marshal for review and approval before a permit can be issued;
4. All bedrooms are required to have a secondary means of egress. The current configuration of the basement has 2 bedrooms with no secondary means of egress and are unacceptable for use.

Ec: Nikolaos Doulamis, Applicant & Owner  
Joseph Mitchell, Applicant's Counsel  
John Manuele, Merrimack Fire Department  
Building Department Staff

Cc: Planning Board File  
Correspondence

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