



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

603 424-3531

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www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: September 14, 2018

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

From: Kellie Shamel, Assistant Planner

Subject: Patriot's Car Wash (applicant/owner) — Continued review for acceptance and consideration of a waiver of full site plan review to permit an automobile service/repair station addition. The parcel is located at 376 Daniel Webster Highway in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 002. **This item is continued from the July 17, 2018 and August 21, 2018 meeting.**

Background:

Please refer to Kellie's July 12 and August 15, 2018 memos for additional background information.

At the last meeting, the Board requested that the applicant show what he presented and described at the meeting (August 21, 2018) on a plan as well as property lines, correct abutters, narrative description of type and nature of commercial operations to be conducted on the premises, building setbacks, lighting and parking details, travel to the north behind the building, size of spaces, waiting area, wall, islands, pavement area, landscaping and grass area, sprinklers, signature block, scale, purpose of plan, lot areas, owner of record, water source, sewer source, list of plan references, ROW permits note, statement of plan required State permits and waivers.

A new plan was submitted by the applicant on August 27. The plan appears to address most of the aforementioned requests of the Board. There are four proposed bays for auto service/repair and one proposed self-service car wash bay. There is also an office/waiting area proposed to be located on the northeast side of the existing car wash. Additionally, 15 parking spaces are proposed along the northeasterly side of the property. The plan also shows wall pack lighting proposed on all sides of the proposed addition. The applicant stated at the last meeting that the proposed lighting would match the wall pack lighting that is currently present on the existing car wash.

Based on the information provided, staff calculated that 17 striped parking spaces and 12 stacking spaces are required. The applicant has shown a total of 22 striped parking spaces on the plan, and it both appears and the applicant has explained to the Board that there is sufficient room on site for the required stacking spaces.

The applicant has provided a scale on this iteration of the plan, which indicates this plan is at a scale of 1" = 20'. If this is accurate, then the plan shows that the existing car wash building is located only 10' from the property line, and needs relief from the Zoning Board of Adjustment, as the requirement when it was constructed was also 20'. The applicant needs to either provide a plan with an accurate scale or seek the necessary relief from the ZBA, as appropriate.

Staff also notes that the subject property is located within the Aquifer Conservation District, and the applicant will need to go before the Conservation Commission to seek their recommendation.

The revised plan was not sent out to other municipal departments for review yet; therefore no new or additional comments from other departments have been received regarding this plan submission.

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 is seeking a waiver of full site plan review.

Staff recommends that the Board vote with respect to any 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.

Recommendation

Based on the information available to date, **staff would recommend 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;
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 provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Building Department, as applicable;
6. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
7. The applicant shall address any forthcoming comments from the Police Department, as applicable;
8. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;

9. [July 13]The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
 - a. The plan provided was prepared in 1985 by a company that is no longer in business. There are stamps on the plan, have these people been properly notified per RSA 676:4 I (2)?;
 - b. A note shall be added to the plans stating that a ROW permit shall be obtained from the Highway Division of Public Works prior to any construction disturbance within the ROW;
 - c. A drainage certification shall be put on the plans as specified in section 4.16(c);
 - d. As per section 4.18(a) Right of Way Work – monuments shall be set at all street intersections....;
 - e. A Storm Drainage Report was not submitted per Section 7.02.E and Section 7.05.D.13;
 - f. Was the existing sign installed in the location that it was proposed on the previous site plan (per Section 7.05.D9)?;
 - g. Intersection Roads and Driveways were not shown as required by Section 7.05.D.12;
 - h. The statement under Section 7.05.D.16 should be added to the plans;
 - i. All commercial/industrial non-residential site plans shall provide for a paved pedestrian way or sidewalk along all existing or proposed streets per Section 7.05.D.19;
 - j. There shall be a pre-construction meeting prior to beginning construction per the Town of Merrimack Construction Standards Appendix D Construction Related Regulations. The SWPPP shall be reviewed and weekly reports and/or large storm events reported to Community Development;
 - k. A note shall be added to the plan stating that on-site drainage shall be the responsibility of the owner. A long term inspection and maintenance plan shall be provided at the time of the Pre-Construction meeting. Every year Semi-annual or Annual reports shall be submitted to the Town of Merrimack Community Development;
10. [July 9]The applicant shall address the following comments from the Wastewater Division:
 - a. Upon review of the plan submitted June 29, 2018 we have concerns as to what will be the intended use of the garage bays? Is this going to be a repair facility? If so no floor drains are permitted in the garage bay area.
11. [July 16]The applicant shall address any forthcoming comments from the Fire Department, as applicable;
 - a. The Town of Merrimack, Department of Fire Rescue, Office of the Fire Marshal requires (NFPA 1 Chapter 18) that fire department access roads be constructed and maintained so that fire apparatus can effectively operate during an emergency. The

location of the access road(s) must provide for positioning of the fire apparatus to allow access to all sides of the structure. Unique building or occupancy conditions may trigger additional requirements from the Office of the Fire Marshal.

Based on the above noted plans access to this building is acceptable for construction

- b. Due to the change of use of this building from a car wash to mixed use with an automotive repair/bodywork and painting component as well as a change in area of over 50 percent of floor area, an NFPA 13 compliant fire sprinkler system shall be installed in the entire building. This is required under Section 11 of the Town of Merrimack Building Code.
 - c. It is unknown if this building currently has an NFPA-72 compliant fire alarm system. If there is an existing system that is compliant the new addition shall be connected to the system. If there is not an existing compliant system, or if the existing system is not capable of having the addition connected to it a new NFPA-72 compliant system shall be installed.
 - d. As the proposal is for a new auto body repair and painting facility, the owner is required to contact the State of New Hampshire Department of Environmental Services and obtain all required permits relating to auto spraying operations air emissions and hazardous waste management. Copies of these permits shall be provided to this office.
12. The applicant shall address any conditions made by the Planning Board during the public hearing;
13. The applicant shall address the following Planning Staff technical comments:
- a. The applicant shall correct the following notes on the plan:
 - i. The fourth bullet add the word "lot" before "subject";
 - ii. The ninth bullet should state "17 striped parking spaces and 12 stacking spaces are required. 22 striped spaces and sufficient stacking spaces are provided";
 - iii. In the first sentence of the subdivision regulations paragraph replace "toen" with "Town" and replace "subvdidion" replace with "subdivision";
 - iv. In the second sentence in the second paragraph replace "pla" with "plan";
 - b. The applicant shall show all building setbacks required by the zoning district;
 - c. The applicant shall either provide a plan with an accurate scale, or seek the required relief from the Zoning Board of Adjustment for the perceived encroachment of the existing car wash building, as applicable;
 - d. The following typical plan notes should be added to the plan:
 - i. Building setbacks;
 - ii. Stormwater Ordinance note;
 - 1. Applicant shall add the following to the plan: "This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Merrimack Town Code). A pre-construction meeting with the Community Development Department and Public Works Department shall take place at least two weeks prior to commencement of earth disturbance."
 - iii. ROW permits note;

- iv. Notes regarding required State Permits;
- v. Notes regarding waivers;
- e. The applicant shall add Planning Board signature blocks on appropriate sheets of the plan set. In addition, please note that the block should have lines for "Chair" and "Vice Chair" as per the Board's current structure the position of Secretary was renamed Vice Chair in June 2017;
- f. Applicant shall add the following notes to the plan:
 - i. The purpose of this plan is to permit an automobile service and repair station addition to the existing building for Patriot's Car Wash;
 - ii. The property is located in the C-2 (General Commercial) and Aquifer Conservation Districts;
 - iii. The property is serviced by public water (MVD) and sewer;
 - iv. Required parking for the proposal is 17 striped parking spaces and 12 stacking spaces are required. 22 striped spaces and sufficient stacking spaces are provided;
 - v. A Right of Way permit is required from the Department of Public Works;
 - vi. All signage will comply with Town regulations and be properly permitted;

Cc: Planning Board File

Ec: Ronnie Ghannem, Applicant/Owner
Building Department Staff
John Manuele, Merrimack Fire Department
Dawn Tuomala, Public Works Department
David Fredrickson, Merrimack Village District
Ken Conaty, Wastewater Division



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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, AUGUST 21, 2018

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Dan Ricker, and Alternate Nelson Disco

Planning Board members absent: Michael Redding, Lynn Christensen and Neil Anketell.

Staff present: Planning and Zoning Administrator Robert Price and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m. and designated Nelson Disco to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

Chairman Best announced a NH Department of Transportation (DOT) public hearing/information gathering session about widening Route 101A and reconfiguration of the intersection of Craftsman Lane with Boston Post Road.

- 3. Patriot's Car Wash (applicant/owner) — Continued Review for acceptance and consideration of a waiver of full site plan review to permit an automobile service/repair station addition. The parcel is located at 376 Daniel Webster Highway in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 002. This item is continued from the July 17, 2018 meeting.**

Robert Price said the applicant submitted an updated plan, but did not address any of staff's technical comments or any other municipal department comments. Staff is unable to determine if sufficient parking is provided due to lack of information on the application. Even for an application of waiver for full site plan review, there are a significant number of items that are either not provided or unclear in the submitted plans and information.

Ronnie Ghannem, Owner, Patriot's Car Wash, said there would be four lanes at the car wash entry and 11 parking spaces added on the right. One lane would enter and one would exit the car wash. Two vacuum islands would be deleted, leaving one next to the addition. Two cars could use two vacuums. The addition would consist of a 1,265 s.f. garage for auto body work and a 642.5 s.f. self-service car wash. The existing office space will be reconfigured to include a customer waiting area. The office space will be 116 s.f. and the customer waiting area will be 212 s.f. There will be a total of 6 bay doors: 2 bays for auto body work, one for the touchless car wash and one for customers to drive out, and 3 for the existing car wash/detailing side. The garage

portion will not have bay doors to drive out; cars will need to be backed out of the garage. Four of the eight parking spaces next to the building would be removed. Adding the three in back would add up to seven. There would be four employees.

Robert Price said that oral testimony concerning square footage and usage information allowed him to determine the required parking, which is 21 spaces; the applicant has 18 delineated. Ronnie Ghannem noted the location of the required four stacking spaces in each lane. They could take 12-15 cars from the street. There would be two in front and two behind the car wash.

Ronnie Ghannem explained site lighting. The only new ones would be 11' high LED wall pack units around the office building; all others exist now. All lights are proposed to match what's existing.

The applicant proposes to repave, paint and stripe the lot.

Body work and painting would be done in the garage. Community Development refers to it as "auto repair", but it is really "auto body repair". The existing garage is for auto detail.

Ronnie Ghannem will meet NH Department of Environmental Services (DES) requirements, but he cannot afford to buy a paint booth at present, so he will do the work elsewhere the first year. The Board noted no painting will be permitted on site until DES approves a paint booth.

The business uses recycled water, connects to the existing drainage and uses an oil-water separator.

The entire lot is paved; no new impervious surface is being created.

Alastair Millns asked how cars go off site after detailing without backing into incoming traffic. Ronnie Ghannem noted they need to go against the flow of traffic to leave. It was suggested that the applicant stripe the ground, place lane markers to reserve a lane or use the same door to drive both in and out. Ronnie Ghannem claimed there is not that much traffic and that he could add a garage on the other side in the future.

There is no dumpster; the applicant removes trash himself from the site once a week and proposes that others pick up metal scraps.

The Planning Board deemed the drawing inadequate. They instructed the applicant to show what he presented at this meeting on a computerized plan as well as: property lines, correct abutters, narrative description of type and nature of commercial operations to be conducted on the premises, building setbacks, lighting and parking details, travel to the north behind the building, size of (diagonal) spaces, waiting area, wall, islands, pavement area, landscaping and grass area, sprinklers, signature block, scale, purpose of the plan, lot areas, owner of record, water source, sewer source, list of plan references, regulations, ROW permits note, statement of plan, required State permits, and waivers. Mr. Ghannem said he would work with Community Development staff to figure out how the information should be presented and revise the plan.

Staff recommends that the Board continue acceptance and the public hearing to allow the applicant to work with staff to provide appropriate plans and information that would allow the Board to make an informed and proper decision.

The Board voted 5-0-0 to continue both acceptance and public hearing to September 18, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco.

4. Merrimack Stone Industries (applicant) and ADHIREX Inc. (owner) — Continued Review for acceptance and consideration of a site plan to construct a 7,000 s.f. warehouse. The parcel is located at 7 Webb Drive in the I-1 (Industrial) District. Tax Map 2D, Lot 035. This item is continued from the July 17, 2018, meeting.

Robert Price said that the applicant responded to peer review and staff comments and provided a revised plan.

Earl Sandford, Sandford Surveying and Engineering, said three drainage basins would treat and store storm water to handle the new impervious area. A second access would be added off the existing driveway. Granite would be stored outside temporarily until a truck removes it. There would be no new lights in addition to the ones currently on the building. The main driveway would be widened from 20' to 24'.

A waiver is sought from Section 10.01 – Landscaping. The site is relatively remote on an industrial dead-end road, with thick vegetation on three sides. There is a proposed row of trees at 25' on the center along Webb Drive.

A waiver is sought from Section 11.04 – Lighting. The site is relatively remote with thick vegetation on three sides. Several downcast fixtures are proposed. The waiver is for additional lighting details and plan beyond what is shown, such as a full lumens plan. There are lights all around the building.

The Board voted 5-0-0 to waive the requirements of Sections 10.01 – Landscaping – and 11.04 – Lighting, on a motion made by Alastair Millns and seconded by Nelson Disco.

There was no public comment.

The Board voted 5-0-0 to grant final approval, with the following conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made by Alastair Millns and seconded by Dan Ricker.

1. Final plans to be signed by all property owners;
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;



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MEMORANDUM

Date: August 15, 2018

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

From: Kellie Shamel, Assistant Planner

Subject: **Patriot's Car Wash (applicant/owner)** — Review for acceptance and consideration of a waiver of full site plan review to permit an automobile service/repair station addition. The parcel is located at 376 Daniel Webster Highway in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 002.

Background:

Please refer to Kellie's July 12, 2018 memo for background information.

A new plan was submitted by the applicant on July 30. The plan consists of one sheet showing drawings of the proposed automobile service/repair station addition and existing conditions. At the last meeting, the applicant stated the end result would be a car wash, a two-bay garage and a three-bay addition for service and repair but the plan does not make this clear. The plan shows lighting throughout the property, however it is unclear whether it exists or is proposed and if the type of lighting complies with Town regulations. The plan also notes 7 existing parking spaces and 11 proposed parking spaces.

The Board requested that the applicant provide a plan that identifies the use for the service doors, what is happening with the vacuum island and how it would be accessed, the square footage for each use, and details about painting of vehicles. Aside from showing a location for the vacuum island, the other requested details have not been provided on the plan. Additionally, the applicant did not address any of Staff's technical comments or any other municipal department comments from the July 12, 2018 memo.

Staff is still unable to determine if sufficient parking is provided on the site due to lack of information provided in the application. In order to determine the required parking staff needs the following information: number of employees, square footage of the office space and/or any other additional use on the site. Also, the previously approved plan indicated a large amount of stacking spaces that appear to be eliminated as part of this application. A minimum of 4 stacking spaces per car wash bay are required, and it is not clear if that is provided in the proposal.

Staff reiterates that even for an application for a waiver of full site plan review, there are a significant amount of items that are either not provided, or unclear in the submitted plans and information.

The revised plan was not sent out to other municipal departments for review yet; therefore no new or additional comments from other departments have been received regarding this plan submission.

Completeness

Staff does NOT recommend that the Board vote to accept the application, as the submitted plans and information DO NOT provide sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision (see comments below, under "Recommendation").

The Board could choose to vote not to accept the plan (which would require the application to start over as a completely new application) or continue the application for both acceptance and the public hearing (which is Staff's recommended action).

Waivers

The applicant is seeking a waiver of full site plan review.

Staff recommends that the Board vote with respect to any 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.

Recommendation

Based on the information available to date, **Staff recommends that the Board CONTINUE the application (both acceptance and the public hearing) to the October 16, 2018 Planning Board meeting (or later date agreeable to the applicant) to allow the applicant to work with staff to provide appropriate plans and information that will allow the Board to make an informed and proper decision.**

In an effort to assist the applicant with revisions, the following comments are offered at this time, based on the plans that were submitted (*staff reserves the right to make additional comment and solicit additional comments from other departments/boards/committees upon receipt of revised plans/information*):

1. Final plans to be signed by all property owners;
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 provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address any forthcoming comments from the Building Department, as applicable;
6. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
7. The applicant shall address any forthcoming comments from the Police Department, as applicable;

8. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
9. [July 13]The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
 - a. The plan provided was prepared in 1985 by a company that is no longer in business. There are stamps on the plan, have these people been properly notified per RSA 676:4 I (2)?;
 - b. A note shall be added to the plans stating that a ROW permit shall be obtained from the Highway Division of Public Works prior to any construction disturbance within the ROW;
 - c. A drainage certification shall be put on the plans as specified in section 4.16(c);
 - d. As per section 4.18(a) Right of Way Work – monuments shall be set at all street intersections.....;
 - e. A Storm Drainage Report was not submitted per Section 7.02.E and Section 7.05.D.13;
 - f. Was the existing sign installed in the location that it was proposed on the previous site plan (per Section 7.05.D9)?;
 - g. Intersection Roads and Driveways were not shown as required by Section 7.05.D.12;
 - h. The statement under Section 7.05.D.16 should be added to the plans;
 - i. All commercial/industrial non-residential site plans shall provide for a paved pedestrian way or sidewalk along all existing or proposed streets per Section 7.05.D.19;
 - j. There shall be a pre-construction meeting prior to beginning construction per the Town of Merrimack Construction Standards Appendix D Construction Related Regulations. The SWPPP shall be reviewed and weekly reports and/or large storm events reported to Community Development;
 - k. A note shall be added to the plan stating that on-site drainage shall be the responsibility of the owner. A long term inspection and maintenance plan shall be provided at the time of the Pre-Construction meeting. Every year Semi-annual or Annual reports shall be submitted to the Town of Merrimack Community Development;
10. [July 9]The applicant shall address the following comments from the Wastewater Division:
 - a. Upon review of the plan submitted June 29, 2018 we have concerns as to what will be the intended use of the garage bays? Is this going to be a repair facility? If so no floor drains are permitted in the garage bay area.
11. [July 16]The applicant shall address any forthcoming comments from the Fire Department, as applicable;

- a. The Town of Merrimack, Department of Fire Rescue, Office of the Fire Marshal requires (NFPA 1 Chapter 18) that fire department access roads be constructed and maintained so that fire apparatus can effectively operate during an emergency. The location of the access road(s) must provide for positioning of the fire apparatus to allow access to all sides of the structure. Unique building or occupancy conditions may trigger additional requirements from the Office of the Fire Marshal.

Based on the above noted plans access to this building is acceptable for construction

- b. Due to the change of use of this building from a car wash to mixed use with an automotive repair/bodywork and painting component as well as a change in area of over 50 percent of floor area, an NFPA 13 compliant fire sprinkler system shall be installed in the entire building. This is required under Section 11 of the Town of Merrimack Building Code.
- c. It is unknown if this building currently has an NFPA-72 compliant fire alarm system. If there is an existing system that is compliant the new addition shall be connected to the system. If there is not an existing compliant system, or if the existing system is not capable of having the addition connected to it a new NFPA-72 compliant system shall be installed.
- d. As the proposal is for a new auto body repair and painting facility, the owner is required to contact the State of New Hampshire Department of Environmental Services and obtain all required permits relating to auto spraying operations air emissions and hazardous waste management. Copies of these permits shall be provided to this office.

12. The applicant shall address any conditions made by the Planning Board during the public hearing;

13. The applicant shall address the following Planning Staff technical comments:

- a. The applicant shall provide a narrative description of the type and nature of the commercial operations to be conducted on the premises per Section 7.05.C of the Subdivision and Site Plan Regulations;
- b. The applicant shall show all building setbacks required by the zoning district;
- c. The following typical plan notes should be added to the plan:
 - i. Purpose of the plan;
 - ii. North arrow;
 - iii. Lot areas;
 - iv. Owner of record;
 - v. Water source;
 - vi. Sewer source;
 - vii. Soil types;
 - viii. Building setbacks;
 - ix. Vertical datum reference;
 - x. List of plan references;
 - xi. FEMA Flood Hazard information;
 - xii. Stormwater Ordinance notes;
 - xiii. Note regarding regulations being part of the plan (as required by Section 4.06.1.k);
 - xiv. ROW permits note;

- xv. Pre-Construction meeting notes;
 - xvi. Statement of Plan (as required by Section 7.05.D.16);
 - xvii. Notes regarding required State Permits;
 - xviii. Notes regarding waivers;
- d. The applicant shall add Planning Board signature blocks on appropriate sheets of the plan set. In addition, please note that the block should have lines for "Chair" and "Vice Chair" as per the Board's current structure the position of Secretary was renamed Vice Chair in June 2017;
- e. Applicant shall add the following notes to the plan:
- i. The purpose of this plan is to permit an automobile service and repair station addition to the existing building for Patriot's Car Wash;
 - ii. The property is located in the C-2 (General Commercial) and Aquifer Conservation Districts;
 - iii. The property is serviced by public water (MVD) and sewer;
 - iv. Required parking for the proposal;
 - v. All signage will comply with Town regulations and be properly permitted;

Cc: Planning Board File

Ec: Ronnie Ghannem, Applicant/Owner
Building Department Staff
John Manuele, Merrimack Fire Department
Dawn Tuomala, Public Works Department
David Fredrickson, Merrimack Village District
Ken Conaty, Wastewater Division



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MEMORANDUM

Date: July 12, 2018

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

From: Kellie Shamel, Assistant Planner

Subject: **Patriot's Car Wash (applicant/owner)** — Review for acceptance and consideration of a waiver of full site plan review to permit an automobile service/repair station addition. The parcel is located at 376 Daniel Webster Highway in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 002.

Background:

Map 4D-3, Lot 002 is located at 376 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. The subject property is 0.86 acres in size and is serviced by municipal water (MVD) and sewer. The lot is currently the site of Patriot's Car Wash. It is abutted by Northeast Credit Union to the south, the Skyline Mall to the north, Lymo Construction to the west, the Horseshoe Pond condominiums and vacant land to the east.

The applicant seeks a waiver of full site plan review to permit an automobile service and repair station addition at the subject property. The site has been used as a car wash facility (under multiple owners) since 1985. In March 2018, a special exception to permit an automobile service and repair station use was granted by the Zoning Board of Adjustment subject to Planning Board approval.

Based on the information submitted in the application it appears the applicant is proposing to add 3 service bays, a small office area including a bathroom however it is unclear what the dimensions of the office space are, as none are provided in the plans submitted by the applicant (the submission contains a copy of the 1985 approved site plan for the carwash, a "plan" that appears to indicate the proposed improvements that is only partially dimensioned and containing no legend or labels for proposed improvements, and 2 "architectural" plans for the proposed addition). It is also unclear what the intended purpose of the garage bays are. The Board should discuss these items with the applicant as this will affect the parking calculations and to provide clarity for municipal departments reviewing the plans.

Staff is unable to determine if sufficient parking is provided on the site due to lack of information provided in the application. In order to determine the required parking staff needs the following information: number of employees, square footage of the office space and/or any other additional use on the site.

In short, even for an application for a waiver of full site plan review, there are a significant amount of items that are either not provided, or unclear in the submitted plans and information. Also of note, the previously approved plan indicated a large amount of stacking spaces that appear to be eliminated as part of this application. It should be noted that a minimum of 4 stacking spaces per car wash bay are required from the regulations, and it is not clear if that is provided in the proposal.

Completeness

Staff does NOT recommend that the Board vote to accept the application, as the submitted plans and information DO NOT provide sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision (see comments below, under "Recommendation").

The Board could choose to vote not to accept the plan (which would require the application to start over as a completely new application) or continue the application for both acceptance and the public hearing (which is Staff's recommended action).

Waivers

The applicant is seeking a waiver of full site plan review.

Staff recommends that the Board vote with respect to any 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.

Recommendation

Based on the information available to date, **Staff recommends that the Board CONTINUE the application (both acceptance and the public hearing) to the August 21, 2018 Planning Board meeting (or later date agreeable to the applicant) to allow the applicant to work with staff to provide appropriate plans and information that will allow the Board to make an informed and proper decision.**

In an effort to assist the applicant with revisions, the following comments are offered at this time, based on the plans that were submitted (*staff reserves the right to make additional comment and solicit additional comments from other departments/boards/committees upon receipt of revised plans/information*):

14. Final plans to be signed by all property owners;
15. 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;
16. 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;
17. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
18. The applicant shall address any forthcoming comments from the Building Department, as applicable;
19. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;

20. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
21. The applicant shall address any forthcoming comments from the Police Department, as applicable;
22. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
23. The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
 - a. The plan provided was prepared in 1985 by a company that is no longer in business. There are stamps on the plan, have these people been properly notified per RSA 676:4 I (2)?;
 - b. A note shall be added to the plans stating that a ROW permit shall be obtained from the Highway Division of Public Works prior to any construction disturbance within the ROW;
 - c. A drainage certification shall be put on the plans as specified in section 4.16(c);
 - d. As per section 4.18(a) Right of Way Work – monuments shall be set at all street intersections....;
 - e. A Storm Drainage Report was not submitted per Section 7.02.E and Section 7.05.D.13;
 - f. Was the existing sign installed in the location that it was proposed on the previous site plan (per Section 7.05.D9)?;
 - g. Intersection Roads and Driveways were not shown as required by Section 7.05.D.12;
 - h. The statement under Section 7.05.D.16 should be added to the plans;
 - i. All commercial/industrial non-residential site plans shall provide for a paved pedestrian way or sidewalk along all existing or proposed streets per Section 7.05.D.19;
 - j. There shall be a pre-construction meeting prior to beginning construction per the Town of Merrimack Construction Standards Appendix D Construction Related Regulations. The SWPPP shall be reviewed and weekly reports and/or large storm events reported to Community Development;
 - k. A note shall be added to the plan stating that on-site drainage shall be the responsibility of the owner. A long term inspection and maintenance plan shall be provided at the time of the Pre-Construction meeting. Every year Semi-annual or Annual reports shall be submitted to the Town of Merrimack Community Development;
24. The applicant shall address the following comments from the Wastewater Division:

- a. Upon review of the plan submitted June 29, 2018 we have concerns as to what will be the intended use of the garage bays? Is this going to be a repair facility? If so no floor drains are permitted in the garage bay area.
25. The applicant shall address any conditions made by the Planning Board during the public hearing;
26. The applicant shall address the following Planning Staff technical comments:
- a. The applicant shall provide a narrative description of the type and nature of the commercial operations to be conducted on the premises per Section 7.05.C of the Subdivision and Site Plan Regulations;
 - b. The applicant shall show all building setbacks required by the zoning district;
 - c. The following typical plan notes should be added to the plan:
 - i. Purpose of the plan;
 - ii. North arrow;
 - iii. Lot areas;
 - iv. Owner of record;
 - v. Water source;
 - vi. Sewer source;
 - vii. Soil types;
 - viii. Building setbacks;
 - ix. Vertical datum reference;
 - x. List of plan references;
 - xi. FEMA Flood Hazard information;
 - xii. Stormwater Ordinance notes;
 - xiii. Note regarding regulations being part of the plan (as required by Section 4.06.1.k);
 - xiv. ROW permits note;
 - xv. Pre-Construction meeting notes;
 - xvi. Statement of Plan (as required by Section 7.05.D.16);
 - xvii. Notes regarding required State Permits;
 - xviii. Notes regarding waivers;
 - d. The applicant shall add Planning Board signature blocks on appropriate sheets of the plan set. In addition, please note that the block should have lines for "Chair" and "Vice Chair" as per the Board's current structure the position of Secretary was renamed Vice Chair in June 2017;
 - e. Applicant shall add the following notes to the plan:
 - i. The purpose of this plan is to permit an automobile service and repair station addition to the existing building for Patriot's Car Wash;
 - ii. The property is located in the C-2 (General Commercial) and Aquifer Conservation Districts;
 - iii. The property is serviced by public water (MVD) and sewer;
 - iv. Required parking for the proposal;

- v. All signage will comply with Town regulations and be properly permitted;

Cc: Planning Board File

Ec: Ronnie Ghannem, Applicant/Owner
Building Department Staff
John Manuele, Merrimack Fire Department
Dawn Tuomala, Public Works Department
David Fredrickson, Merrimack Village District
Ken Conaty, Wastewater Division

The applicants modified the existing plan rather than submit a new full site plan, but both staff and the Planning Board had trouble reading it. She explained the traffic flow. There has been no change in the gravel since prior approval in 1984.

Tim Thompson explained that the restaurant is the only approved use. Anything else is part of the enforcement action.

Chairman Best said the Board must determine whether there is sufficient lighting that does not shine on the neighbor's property. It makes no sense for restaurant patrons to park behind trucks. There must be no pedestrian traffic near trucks. There is not enough information for the Planning Board to accept the application for review. Tim Thompson added that the Board must determine if there is enough parking for the approved use. Alastair Millns suggested marking on paper the areas where trucks, trailers, employees and patrons park. Chairman Best said that restaurant traffic and parking must be distinct from trucks and proximate to the restaurant. Eric Brand suggested parking trailers in the rear with a chain in front of them, putting 12 spaces in front of the chain and limiting the hours when trucks pull in and out.

Sherri Olivier is considering buying the property in two years. Chairman Best said that would be acceptable if there were no restaurant use. He was skeptical about combining uses. Tom Koenig could foresee that in six months truck parking would still be approved and another company might park trucks there.

At the applicant's request, the Board voted 4-0-0 to continue the acceptance and the public hearing to September 4, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Tom Koenig.

6. Patriot's Car Wash (applicant/owner) — Review for acceptance and consideration of a waiver of full site plan review to permit an automobile service/repair station addition. ■ The parcel is located at 376 Daniel Webster Highway in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 002.

The site has been used as a car wash facility since 1985. Tim Thompson informed the Board that, in March 2018, the Zoning Board of Adjustment granted a Special Exception to permit an automobile service and repair station addition on the property. ■ The applicant proposes to add three service bays and a small office area including a bathroom; however it is unclear what the dimensions of the office space are, as none are provided in the plan the applicant submitted. The purpose of the garage bays is also unclear. There is no legend or label for proposed improvements. There are two "architectural" plans for the proposed addition. Staff is unable to determine if sufficient parking is provided due to the lack of information on the application. ■ In order to determine the required parking, staff needs to know the number of employees, square footage of the office space, and/or any other additional use on the site. The previous plan indicated a large amount of stacking spaces that appear to be eliminated. ■ A significant amount of items are either not provided or unclear to waive full site plan review.

Ronnie Ghannem, 6 Woodbury Street, said there would be a car wash, a two-bay garage and a three-bay addition for service and repair as well as a self-serve car wash. The property is 200' long with plenty of stacking area. One tunnel would be for the car wash, where there are never more than seven cars; 15-20 can be stacked. There would be only one lane rather than the current two lanes into the car wash. The other lane would be used as the exit for the self-serve car wash. The self-serve would have one customer every 15-20 minutes and would not generate a lot of traffic.

The island would move. The Planning Board instructed Ronnie Ghannem to show that on the plan as well as service doors, vacuum system, how traffic would enter from D.W. Highway, square footage for each use (in order to calculate the parking requirement), car wash entrance, three bays, how cars would exit the building, exterior features, lighting, floor plans, details about painting vehicles, and to delete elevations.

Ronnie Ghannem said the service bays would be used as the body shop (per the Special Exception). There would be no new floor drains except for the car wash, which would be connected to the existing oil/water separator. ■ Painting was done off-site before; now NH Department of Environmental Services (DES) approval is necessary. There would be no change in the drainage and no traffic impact. Six cars could be held in the bays overnight, in the parking spaces or in back. There are currently 16 spaces.

When the Planning Board asked for a sidewalk, Tim Thompson explained that in order for it to be properly designed and constructed, it would require an engineered site plan and full site plan review.

Staff recommends that the Board continue both the acceptance and the public hearing to August 21, 2018 to allow the applicant to work with staff to provide appropriate plans and information that will allow the Board to make an informed and proper decision.

The Board voted 4-0-0 to continue the acceptance and public hearing to August 21, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco.

7. NeighborWorks Southern NH and The Granite YMCA (applicant/owner) — Review for acceptance and consideration of a lot line adjustment and site plan to construct a 45 unit multi-family development. The parcels are located at 315 Daniel Webster Highway in the R-4 (Residential) and Aquifer Conservation Districts and portions in the 100 and 500 year Flood Hazard Areas. Tax Map 4D-4, Lots 043-01 and 043.

Tim Thompson explained that the development was redesigned as a conventional 45-unit multi-family development in nine buildings rather than the previously approved 57-unit elderly housing development. Access would come from Angelo Drive; there is no access to Island Drive proposed. The purpose of the lot line adjustment is to swap an equal amount of land between Lots 43 and 43-1 in order to allow for the proper discharge of stormwater. The Public Works Department (DPW) is concerned about the Angelo Drive grade. The Fire Department wants a second access, preferably not gated, to Island Drive rather than to D.W. Highway.



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: July 12, 2018

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

From: Kellie Shamel, Assistant Planner

Subject: **Patriot's Car Wash (applicant/owner)** — Review for acceptance and consideration of a waiver of full site plan review to permit an automobile service/repair station addition. The parcel is located at 376 Daniel Webster Highway in the C-2 (Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 002.

Background:

Map 4D-3, Lot 002 is located at 376 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. The subject property is 0.86 acres in size and is serviced by municipal water (MVD) and sewer. The lot is currently the site of Patriot's Car Wash. It is abutted by Northeast Credit Union to the south, the Skyline Mall to the north, Lymo Construction to the west, the Horseshoe Pond condominiums and vacant land to the east.

The applicant seeks a waiver of full site plan review to permit an automobile service and repair station addition at the subject property. The site has been used as a car wash facility (under multiple owners) since 1985. In March 2018, a special exception to permit an automobile service and repair station use was granted by the Zoning Board of Adjustment subject to Planning Board approval.

Based on the information submitted in the application it appears the applicant is proposing to add 3 service bays, a small office area including a bathroom however it is unclear what the dimensions of the office space are, as none are provided in the plans submitted by the applicant (the submission contains a copy of the 1985 approved site plan for the carwash, a "plan" that appears to indicate the proposed improvements that is only partially dimensioned and containing no legend or labels for proposed improvements, and 2 "architectural" plans for the proposed addition). It is also unclear what the intended purpose of the garage bays are. The Board should discuss these items with the applicant as this will affect the parking calculations and to provide clarity for municipal departments reviewing the plans.

Staff is unable to determine if sufficient parking is provided on the site due to lack of information provided in the application. In order to determine the required parking staff needs the following information: number of employees, square footage of the office space and/or any other additional use on the site.

In short, even for an application for a waiver of full site plan review, there are a significant amount of items that are either not provided, or unclear in the submitted plans and information. Also of note, the previously approved plan indicated a large amount of stacking spaces that appear to be eliminated as part of this application. It should be noted that a minimum of 4 stacking spaces per car wash bay are required from the regulations, and it is not clear if that is provided in the proposal.

Completeness

Staff does NOT recommend that the Board vote to accept the application, as the submitted plans and information DO NOT provide sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision (see comments below, under "Recommendation").

The Board could choose to vote not to accept the plan (which would require the application to start over as a completely new application) or continue the application for both acceptance and the public hearing (which is Staff's recommended action).

Waivers

The applicant is seeking a waiver of full site plan review.

Staff recommends that the Board vote with respect to any 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.

Recommendation

Based on the information available to date, **Staff recommends that the Board CONTINUE the application (both acceptance and the public hearing) to the August 21, 2018 Planning Board meeting (or later date agreeable to the applicant) to allow the applicant to work with staff to provide appropriate plans and information that will allow the Board to make an informed and proper decision.**

In an effort to assist the applicant with revisions, the following comments are offered at this time, based on the plans that were submitted (*staff reserves the right to make additional comment and solicit additional comments from other departments/boards/committees upon receipt of revised plans/information*):

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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;
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9. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
10. The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
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 - b. A note shall be added to the plans stating that a ROW permit shall be obtained from the Highway Division of Public Works prior to any construction disturbance within the ROW;
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 - e. A Storm Drainage Report was not submitted per Section 7.02.E and Section 7.05.D.13;
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Cc: Planning Board File

Ec: Ronnie Ghannem, Applicant/Owner
Building Department Staff
John Manuele, Merrimack Fire Department
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Ken Conaty, Wastewater Division

376 Daniel Webster Highway



Property Information

Property ID 4D3-2|004D-300000200000001|297
 Location 376 DW HIGHWAY
 Owner 376 DW HWY LLC



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Nashua Regional Planning Commission makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 07/26/2018
 Properties updated 08/22/2018