



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

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, APRIL 3, 2018

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

Planning Board members absent: Michael Redding, Lynn Christensen and Alternate Vincent Russo.

Staff present: Assistant Planner Kellie Shamel 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 and Nelson Disco attended the Nashua Regional Planning Commission (NRPC) Annual Forum about the inter-relationship of housing, jobs and community development.

3. Mi-Box New England, LLC. (applicant) and TW Bridge Associates, LLC. (owner) — Request for an extension of final approval of a site plan for the construction of a 39,100 s.f. self-storage facility, with associated site improvements. The parcel is located at 101 Herrick Street in the C-2 (General Commercial), I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 020. **This item was conditionally approved at the October 3, 2017, Planning Board meeting.**

Chad Branon, Civil Engineer/Project Manager, Fieldstone Land Consultants, PLLC, said all Fire Department, Wastewater and Merrimack Village District (MVD) comments were addressed and a response to CLD was submitted on January 10, 2018. He said there will not be a driveway curb cut because there is access on Herrick Street.

He stated one of the conditions of approval from the Public Works Department was to have NH Department of Transportation (DOT) sign off on work that would connect to their system, although DOT would maintain the existing culverts. Mi-Box would maintain from the manhole through the property. DOT would not begin its review until the applicant received a State Wetlands Permit, which was issued in November 2017. This created a delay in obtaining the final approvals and signoffs for the project, since DOT just recently concluded their review. Although their initial comments are favorable, they have requested additional information. Therefore the applicant requests an extension of the conditional approval.

The Board voted 5-1-0 to grant a six-month extension of the conditional site plan approval, on a motion made by Alastair Millns and seconded by Nelson Disco. Dan Ricker voted in the negative.

- 4. Charles Morgan (applicant) and 526 DW, LLC (owner)** — Review for acceptance and consideration of a waiver of full site plan review for the addition of 76 outdoor vehicle storage parking spaces, (for use between November 1 through April 1). The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. **This item is continued from the February 6, 2018 meeting.**

The applicant has just received review comments from the town's peer review consultant and is submitting revisions and responses.

At the applicant's request, the Board voted 5-0-1 to continue this item to April 17, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco. Robert Best abstained.

- 5. Charles Morgan (applicant) and 526 DW, LLC. (owner)** — Review for acceptance and consideration of final approval for a site plan to construct a 21,069 s.f. single story storage facility and a 2-bay auto detailing shop. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. **This item is continued from the February 6, 2018 meeting.**

The applicant has just received review comments from the town's peer review consultant and is submitting revisions and responses.

At the applicant's request, the Board voted 5-0-1 to continue this item to April 17, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco. Robert Best abstained.

- 6. Amy Lynn Whitaker (applicant) and Stanley and Theresa Laferriere (owners)** — Review for a Home Occupation permit to allow for a massage therapy & wellness business. The parcel is located at 31 Bedford Road in the R-1 (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 6D, Lot 240.

Amy Whitaker, 31 Bedford Road, is the owner of New Beginnings Wellness Center, which offers massage therapy, Reiki, and electrolysis. She anticipates a maximum of five clients per day or 15-20 weekly. She is the current resident of the property and the only employee. Staff was made aware of the business through an enforcement action. She said two parking spaces would be reserved for clients; the Bedford Road driveway leads to parking for the house. The secondary access on the side that leads to the gravel pit is owned by someone else. The applicant has a restricted easement to access the house. When Chairman Best instructed Amy Whitaker to submit a copy of the easement to the Community Development Department, she said there has been a verbal agreement for 50 years. NH law states that, after being used for 20 years, it becomes a prescriptive easement however the owner of the gravel pit does not want

anyone to use the driveway. The Bedford Road unpaved gravel driveway can park approximately 5-7 vehicles. Chairman Best instructed Amy Whitaker to show on the application that the Bedford Road driveway is where customers would enter to park.

Amy Whitaker already has a two square foot sign, which meets requirements. One room of the home would be used for the business, which would comply with the regulation that it be a maximum of 25% of the habitable floor area. Proposed hours of operation are Saturday-Wednesday, 8:00 a.m.-12:00 p.m. and 1:00 p.m.-6:00 p.m.

Alastair Millns said the reason the front of the property is not shown on Bedford Road is because it was deeded to the Town for a drainage access. Community Development staff was unable to confirm, but noted it may also be a result of the GIS.

Amy Whitaker stated that the gravel pit is no longer in operation. Parking would be 10+feet from the house. Neil Anketell asked if she would be providing lighting for the parking area. She volunteered to install motion-sensor lighting.

Alastair Millns instructed the applicant that the ramp entrance must be ADA (Americans with Disabilities Act) compliant or removed.

Dan Ricker asked if she rents or owns the property. Amy Whitaker said she rents the space and the owner approves of the business. Kellie Shamel stated that the appropriate signatures were provided on the application and are on file at the Community Development Department.

There was no public comment.

Staff recommends that the Board grant final approval, with any conditions it deems appropriate.

The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco.

1. There will be no more than 5 clients per day;
2. The parking area for clients will be located on the westerly side of the house and accessed from the Bedford Road driveway;
3. Motion sensor lighting will be installed in the parking area;
4. The existing handicap access ramp will either be removed or made ADA-compliant; and
5. Any proposed changes to the terms of this approval shall require further review and approval by the Planning Board.

7. Lyndsey Morash, Chasing Nirvana Yoga, LLC. (applicant) and Hotel at Daniel Webster, LLC. (owner) — Review for acceptance and consideration of a waiver of full site plan review to permit a yoga studio (open to the public and not limited to hotel guests). The parcel is located at 248 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 005- 01.

Staff was made aware that the applicant recently established an open-to-the-public yoga studio within the former conference room space in Building 20 through an enforcement action.

Lyndsey Morash, Chasing Nirvana Yoga, LLC, is working with the general public as well as with Hotel guests. The room can contain up to 25 people at a time. Yoga studio customers park in Hotel spaces.

Robert Damiano, Hotel at Daniel Webster, LLC, said there is no parking issue in the daytime. There are a total of 155 spaces on site, and 15 are required for the yoga studio, providing adequate parking for all customers. Many clients would already be staying at the Hotel, which is ADA compliant.

Lyndsey Morash has two roadside signs/flags and also advertises on Google, Facebook and social media. Classes would begin at 9:00 a.m.; the last class would begin at 5:30 p.m.

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 it to make an informed decision.

The Board voted 6-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Nelson Disco.

There was no public comment.

Alastair Millns cited the criterion that 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 Board voted 6-0-0 to waive full site plan review, on a motion made by Alastair Millns and seconded by Nelson Disco.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 5-1-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco. Dan Ricker voted in the negative.

1. Final plans to be signed by all property owners;
2. 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;
3. The applicant shall address the following comments from the Public Works Department, as applicable:
 - a. It is unclear which building the Yoga studio will be in; Note 2 states it is in Building 20, but there isn't a Building 20 labeled on the site plan;

- b. There is no date or [indication] who prepared the plan, this information has been cut off on [the print provided to DPW];
- 4. The applicant shall address any forthcoming comments from other Municipal Departments, as applicable;
- 5. The applicant shall address the following Planning Staff technical comments:
 - a. Applicant shall remove “proposed addition” labeling from the plan and indicate this building as Building 20 to eliminate any confusion;
 - b. For the final plan, applicant shall provide a new copy of the plan with title block information located on the side intact.

8. Discussion/possible action regarding other items of concern

The Board reviewed final details for a DW Highway sidewalk inventory questionnaire to be presented at polling places on April 10, 2018. Responses would help formulate a future sidewalk plan.

Alastair Millns announced the April 28, 2018, OSI Planning and Zoning Conference, which is a training opportunity for land use board members. Nelson Disco stressed its importance for new members.

Nelson Disco asked staff to circulate an updated e-mail address list of Planning Board members.

Chairman Best welcomed new full Planning Board members Dan Ricker and Neil Anketell.

9. Approval of Minutes — March 20, 2018

The minutes of March 20, 2018, were approved as submitted, by a vote of 5-0-1, on a motion made by Alastair Millns and seconded by Nelson Disco. Dan Ricker abstained.

10. Adjourn

The meeting was adjourned at 7:53 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.