



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, AUGUST 17, 2021

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, August 17, 2021 in the Matthew Thornton Room.

Robert Best, Chairman, presided.

Members Present:

- Lynn Christensen
- Alternate Nelson Disco
- Town Councilor Tom Koenig, Alternate Ex-Officio

Members Absent:

- Paul McLaughlin (Vice Chairman)
- Neil Anketell
- Jaimie von Schoen
- Town Councilor Barbara Healey, Ex-Officio

Staff Present: Community Development Director, Tim Thompson

1. Call to Order

Robert Best called the meeting to order at 7:01 p.m. and designated Nelson Disco to sit for Neil Anketell.

2. Planning & Zoning Administrator's Report

The Board voted 4-0-0 to determine that the TC Boston Development site plan is not of regional impact, on a motion made by Lynn Christensen and seconded by Nelson Disco.

Chairman Best took the opportunity to remind the listening audience that there are positions open on the Planning Board and several other Boards in town.

Tim Thompson announced that a new part time Administrative Assistant (Stefanie Brinn) will be starting in Community Development on September 7, 2021.

- ### **3. John Flatley Company (applicant/owner)**
- Continued review of a Site Plan to construct a 120,000 sq.ft. warehouse/distribution building, per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcel is located at 707 Daniel Webster Highway in the I-1

(Industrial) District and Aquifer Conservation area. Tax Map 6E, Lot 003-06. Case #PB2021-24. This item is continued from the June 15, and July 20, 2021 Planning Board meetings.

At the applicant's request, the Board voted 3-0-1 to continue the public hearing to September 7, on a motion made by Lynn Christensen and seconded by Nelson Disco. Robert Best abstained.

4. **John Flatley Company (applicant/owner)** - Continued review of a Site Plan to construct an internal access road per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcels are located at 645, 673, 685, and 703 Daniel Webster Highway in the I-1 (Industrial) District and Aquifer Conservation area. Tax Map 6E, Lots 003-01, 003-03-05. Case #PB2021-29. This item is continued from the July 20, 2021 Planning Board meeting.

At the applicant's request, the Board voted 3-0-1 to continue the public hearing to September 7, on a motion made by Lynn Christensen and seconded by Nelson Disco. Robert Best abstained.

5. **L & F Realty Trust (applicants/owners)** - Continued review for acceptance and consideration of a Site Plan amendment to modify site lighting and add additional pavement and related improvements. The parcel is located at 396 Daniel Webster Highway in the C-2 (General Commercial), R-4 (Residential), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 032. Case #PB2021-26. This item is continued from the July 7, 2021 Planning Board meeting.

At the applicant's request, the Board voted 4-0-0 to continue the application acceptance and public hearing to September 21, on a motion made by Nelson Disco and seconded by Lynn Christensen.

6. **Jeff Greenaway (applicant) and Jeff Greenaway & Erica Crawford (owners)** - Review for acceptance and consideration of a Conditional Use Permit to construct a detached Accessory Dwelling Unit. The parcel is located at 130 Bedford Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6C, Lot 326. Case #PB2021-31.

Tim Thompson began by reminding the Board that the most recent update to the Zoning Ordinance changed the way that detached Accessory Dwelling Units are handled. If all criteria the detached criteria is met, the new process requires a Conditional Use Permit application be submitted for approval through the Planning Board. The application in question does meet all of the necessary criteria so staff is recommending approval.

Jeff Greenaway (applicant/owner) was present to discuss the request with the Board. He explained that they plan on converting an existing detached garage into an ADU for his parents. Nelson Disco asked if he plans on using the existing septic system or adding a new one for the ADU. Tim Thompson explained that the ordinance allows home owners to tap into the existing septic as long as they have approved plans on file for if and when the septic fails. Mr. Greenaway responded that he is planning on taking that course of action but is open to adding a new septic too if that is what is needed.

There was no public comment.

The Board voted 4-0-0 to grant conditional final approval on a motion made by Nelson Disco and seconded by Lynn Christensen. The following General & Subsequent conditions apply:

1. The applicant shall adhere to the criteria listed under Section 2.02.1.C.2 of the Zoning Ordinance pertaining to conditional use permits for a detached ADU;
2. If this Conditional Use Permit approval is not acted upon within a period of two (2) years from the date of the final endorsement by the Planning Board, then the approval shall be null and void. Issuance of a building permit shall be considered a sufficient action to vest an approval for a conditional use permit for a detached ADU. However, should any building permit expire unused after the conclusion of the two-year validity period provided for herein, the conditional use permit granted shall become void as well. Should the applicant need to extend the two-year validity period, the applicant shall demonstrate to the satisfaction of the Planning Board that it was impossible or impractical to receive the necessary approvals to move forward in reliance on the permit granted within two years. Any renewal/extension application shall be filed with the Planning Board no sooner than 90 days, nor later than 30 days, prior to the expiration of the Conditional Use Permit.
7. **Henry Clay Drive, LLC (applicant/owner)** - Review for consideration of an amendment to a previous approved Site Plan regarding the expansion of an existing crematorium, construction of a two-story office building and associated site improvements. The parcel is located at 10 Henry Clay Drive in the I-1 (Industrial) District. Tax Map 2D, Lot 041-13. Case #PB2021-33.

Tim Thompson provided some history of the project and explained that this most recent amendment is being requested because staff discovered that the construction that was completed did not match the phasing that was agreed to in the site plan approval. Since this is an amendment to a previously approved plan, acceptance is not necessary and staff is recommending approval in order to get the plans to align with what has already been constructed.

Chris Guida (Fieldstone Land Consultants) was present to discuss the project with the Board and reiterated what Mr. Thompson said that this request is to align the plan with what has already been constructed because some things were done outside of their approved phase. Mr. Thompson added that the approval is necessary in order for staff to be able to sign off on the Certificate of Occupancy.

Nelson Disco asked if there is a timeline for the completion of the project and Mr. Guida explained that he is uncertain of the timeline but believes they are hoping to have everything completed within the next couple years. Chairman Best asks which phase they are on and Mr. Guida advised that they are on phase 2 of 3.

There was no public comment.

The Board voted 4-0-0 to grant conditional final approval, on a motion made by Lynn Christensen and seconded by Nelson Disco. The following precedent conditions apply:

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, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department, as applicable.
3. The applicant shall provide any draft copies of any applicable legal documents for review (allowing for access along the relocated sidewalk to the public as necessary), at the applicant's expense, by the Town's Legal Counsel, as applicable.
4. The applicant shall address any forthcoming comments from municipal boards, commissions, and departments, as applicable.

The following general and subsequent condition is placed on the approval:

1. All General and subsequent conditions placed on the original site plan conditional approval (conditionally approved on 10/11/2011) and as subsequently amended shall continue to be in place with this amended site plan approval; as applicable.
- 8. TC Boston Development, Inc. (applicant) and Rykel Company, Inc. (owner) - Review for acceptance and consideration of a Site Plan to construct a 323,750 s.f. warehouse/distribution facility & associated site improvements. The parcel is located at 50 Robert Milligan Parkway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 078. Case #PB2021-32.**

Tim Thompson provided an overview of the parcel and explained that it has been on the town's list of priority sites for Economic Development for quite some time so staff is excited to see something being proposed. He went on to explain that the site will be used for a 323,750 square foot warehouse/distribution facility, however a tenant has not been identified at this time. The site contains a lot of area for tractor trailer storage space and can accommodate up to sixty loading bays depending on the tenant's needs. Mr. Thompson advised the Board that this project was sent for peer review, however the comments have not been received at this time because the escrow check was just received on August 10th. Peer review comments are expected to be received within the next few days, so staff is recommending acceptance tonight and a continuance to the first meeting in September (September 7, 2021).

Austin Turner (Bohler Engineering) and Elisha Long (Trammell Crowe) were in attendance to present the project to the Board. Mr. Turner reiterated what Mr. Thompson said about the size and use of the building and the fact that they do not have a tenant at this time but there has been a lot of interest in the site. Mr. Turner went on to explain that he met with the Conservation Commission on 8/16/21 and they had minimal feedback but did request some additional fencing be added to the southern side of the property near Bowers pond.

Mr. Turner shared the plan that shows the proposed layout of the building and parking and explained that they worked closely with the Fire Department to make sure the site meets their requirements. The Fire Marshal did request a gated access for emergency vehicles be added so Bohler is in the process of working with NH DOT to see if that can be done. The NH DOT seemed receptive to the idea but the discussions are still in the early stages so there has not been a final decision made yet.

Mr. Turner walked the Board through the vision for vehicle access, explaining that there is a common entrance off of Robert Milligan Parkway but the road will split to divert tractor trailers to the rear of the building where the loading docks will be and consumer vehicles to the front

which is where employee parking will be located. He also pointed out that the footprint of the building will be staying in the existing gravel pit area and they have no intentions of clearing any trees. Mr. Turner touched base on the stormwater design and explained that DES could not find any prior state permit approvals (the former Site Specific or Alteration of Terrain) for the site so they had to design the system as if the excavation had never existed there. Chairman Best commented that there is a lot of ledge on the site and asked if any of the land is receptive to taking in water. Mr. Turner explained that they are still working through all of the necessary tests now but the soils have shown that they are receptive. He walked through the stormwater system in detail and advised the Board that utilities will be provided by the Town of Merrimack (sewer) and Pennichuck Water Works.

The Board voted 4-0-0 to accept the application as complete, on a motion made by Lynn Christensen and seconded by Nelson Disco.

Mr. Turner advised the Board that the applicant is seeking one waiver for this project from section 3.11.l.1 of the Site Plan Regulations. The requirement requires 10% of the parking lot to be landscaped however, the majority of the proposed parking lot will include street tree plantings around the perimeter and at regular intervals interior to the referenced parking areas. The site is also bordered by the FE Everett Turnpike along its eastern boundary, which includes an existing buffer populated by mature trees. When coupled with the proposed landscaping, this buffer provides for screening of the parking areas which are proposed along the front of the building and, accordingly, are believed to meet the spirit and intent of this requirement. Mr. Thompson added that staff has no concerns with this waiver being granted.

Chairman Best commented that he feels it is too soon to vote on waivers and would like to wait to discuss it more once peer review comments have been received. He then asked Mr. Thompson if a waiver is needed because the continuous face of the building will be several hundred feet long and Mr. Thompson confirmed that is not a requirement in the Industrial zone. He added that the only other waiver he can see being needed is a lighting waiver because there is a section of the driveway where the proposed lights encroach onto the neighboring parcel. Mr. Turner explained that they are contemplating removing the lighting in that section altogether.

Chairman Best asked what will be seen from the Everett Turnpike and Mr. Turner stated that some of the building will be seen but not any of the parking. He shared a rendering of the building but the Board felt that it did not give a good indication as to what it would look like from the Turnpike. Chairman Best asked Mr. Turner if he could see if they could put together a rendering from the Turnpike for the next meeting.

Nelson Disco asked if the ledge is stepped at all and Mr. Long answered that it is partially stepped today but they have plans to finish it so they do not have to worry about rocks falling. Mr. Disco added that he would also be concerned with people falling and getting injured. Mr. Turner added that they are also proposing fencing along the edge of the ledge wall to prevent accidents.

Chairman Best asked if they have had conversations with the nearby Rod and Gun Club because previous proposals for development of this site were concerned with the noise a gun club might emit. Mr. Long stated that they are aware of their existence and does not think that this use would be disturbed by gun range noise.

Traffic was discussed briefly and Mr. Thompson stated that the majority of the traffic generated by this site will not be travelling extensively on DW Highway, adding that due to its location, the traffic will be mostly be on Industrial Drive and the Highway. Mr. Turner added that he believes they will have the traffic analysis completed before the next meeting.

Councilor Koenig asked if the sewer extensions that will be needed have been discussed because he knows it was a big concern for previous parties that were interested in the site. Mr. Thompson confirmed that he discussed the sewer issue during one of their initial meetings and the applicant is committed to extending the applicable utilities to the project.

There was no public comment.

The Board voted 4-0-0 to continue the public hearing to September 7, on a motion made by Lynn Christensen and seconded by Nelson Disco.

9. Discussion/possible action regarding other items of concern

The Board made another pitch for volunteers to join the Planning Board.

10. Approval of Minutes — August 3, 2021

The Board voted 3-0-1 to approve the minutes of August 3, 2021 as submitted, on a motion made by Lynn Christensen and seconded by Nelson Disco. Tom Koenig abstained.

11. Adjourn

The Board voted 4-0-0 to adjourn the meeting at 7:57 p.m., on a motion made by Lynn Christensen and seconded by Nelson Disco.