



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY AUGUST 2, 2022

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, August 2, 2022 in the Matthew Thornton Room.

Members Present:

- Robert Best (Chair)
- Paul McLaughlin (Vice Chair)
- Brian Dano
- Lynn Christensen
- Jaimie von Schoen
- Town Councilor Barbara Healey - Ex-Officio
- Maureen Tracey – Alternate
- Nelson Disco – Alternate

Members Absent:

- Neil Anketell
- Haleem Mediouni – Alternate

Staff Present: Tim Thompson, AICP, Community Development Director

1. Call to Order

Chair Robert Best called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance. Mr. Best appointed Maureen Tracy to vote for Neil Anketell.

2. Planning & Zoning Administrator's Report

3. Consent Agenda

None

- 4. GTONH LLC (applicant/owner)** – Review for consideration of an amendment to a previously approved Planned Unit Development to account for additional residential units permitted by variance. The parcel is located on Twin Bridge Road in the in the R-4 (Residential), Aquifer Conservation, Town Center Overlay, Elderly Housing Overlay and Planned Residential Development Overlay Districts. Tax Map 5D-3, Lot 114. Case # PB2022-27.

Nelson Disco recused himself from participating as an alternate and from discussing this application since he is an abutter to the Planned Unit Development (PUD).

Tim Thompson prefaced the presentation by explaining that the applicant was granted a variance to allow the Commons PUD to exceed the 400 residential unit maximum. One of the conditions of that approval was to amend the PUD to reflect the change in the number of units. Mr. Thompson read the narrative that staff approved for the amendment that outlines the change in units and specifies that site plan approval will still be needed. If approved, the amendment will be recorded at the Hillsboro County Registry of Deeds.

Chairman Best asked if there are any changes to the amendment that they need specify they are not approving. Mr. Thompson replied that the Town's attorney recommended that they limit the amendment to just the action of the Zoning Board allowing the additional units so there is no need to exclude anything in the approval.

Jason Lopez (Keach-Nordstrom Associates, Inc.) and Dick Anagnost (GTONH, LLC, owner) presented the application to the Board. Mr. Anagnost began by explaining that the lot in question sits between the Commons plaza and Twin Bridge Road. The lot that the apartments are being proposed on (which is a separate lot from the plaza) will share parking with the plaza. Mr. Anagnost stated that they are working closely with the tenants of the plaza as well as neighboring residents and businesses to address their concerns. One of the concerns being addressed is the traffic on Twin Bridge Road which will be mitigated by making the access to that road, emergency only. Chairman Best asked how that was going to be accomplished and Mr. Anagnost explained that it will be managed with signage. It will not be gated because the Fire Department is opposed to it.

Chairman Best asked Mr. Thompson what needs to be considered to approve the amendment and Mr. Thompson explained that there is not much to consider because the ZBA has already granted the variance allowing the PUD cap to be exceeded. This PUD currently has 372 units and the applicant is proposing another 48 which will put the total units at 420, which is 20 over the maximum outlined in the Zoning Ordinance. Councilor Healey asked why this is a Planning Board action and Mr. Thompson explained that there have been several changes made to the PUD since its inception that were not recorded so staff felt that this was the cleanest way to reflect the recent approval by the Zoning Board without requiring a new PUD plan.

Councilor Healey asked what is currently included in the PUD and Mr. Thompson replied that the PUD includes the Commons plaza, London Court, Windsor Terrace and Wentworth Place. He added that the property is in the residential district, but also the Planned Residential District Overlay District and the commercial plaza is allowed because of the PUD. Mr. Lopez explained that he and Mr. Anagnost did attempt to go through all of the files to capture the history but some of the older records were missing information.

There was no public comment.

The Board voted 7-0-0 to grant final approval, with the following general and subsequent condition, on a motion made by Paul McLaughlin and seconded by Lynn Christensen.

1. The final PUD amendment narrative shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant prior to obtaining final site plan approval for the multifamily housing project.
5. **Dick Anagnost/GTONH LLC (applicant/owner)** – Continued review for acceptance and consideration of final approval of a Site Plan Review to construct two multi-family residential

buildings totaling 48 units in accordance with the NH workforce housing statutes (RSA 674:58). The parcel is located on Twin Bridge Road in the in the R-4 (Residential), Aquifer Conservation, Town Center Overlay, Elderly Housing Overlay and Planned Residential Development Overlay Districts. Tax Map 5D-3, Lot 114. Case # PB2022-25. ***This item is continued from the June 7, and July 5, 2022 Planning Board Meetings***

Mr. Thompson explained that the applicant submitted revised plans too close to the meeting date so staff did not have enough time to gather department comments and perform a staff review of the submission. Because of this, the applicant has chosen to request a continuance so that the Board has all of the necessary department feedback in order to render a decision. The biggest obstacle has been the access through Twin Bridge Road because the applicant was hoping to discontinue the use of that entryway altogether but the Fire Department did not support that idea. Mr. Disco commented that he would like to have the peer review comments and traffic analysis to review prior to the next meeting. Mr. Thompson clarified that they are not items that staff typically includes in packets but can be included if requested. Councilor Healey asked to have them as well and Chairman Best clarified that all of the Board members will receive them in packets to which Mr. Thompson added that they will only be provided electronically because of the size of the documents.

At the applicant's request, the Board voted 7-0-0 to continue the application to September 6, 2022 at 7:00 p.m. in the Matthew Thornton Room on a motion made by Barbara Healey and seconded by Lynn Christensen.

- 6. Peter McClintick (applicant/owner)** – Continued review for acceptance and consideration of final approval for a lot line adjustment between a newly unmerged lot and an existing lot of record. The parcels are located on Hadley Road in the R-1 (Residential by soils) Aquifer Conservation, Town Center Overlay, and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 043. Case # PB2022-28. ***This item is continued from the July 19, 2022 Planning Board Meeting.***

Mr. Thompson provided some background on the lots in question by explaining that the applicant recently went before the Town Council to unmerge a lot that was previously involuntarily merged on Hadley Road. The unmerging that took place made lot 5D-4/043 become three separate lots. The applicant is now seeking approval to adjust the lot line to make the three lots into two, thereby making a lot large enough to construct a house on.

Trevor Yandow (Meridian Land Services) and Peter McClintick (applicant/owner) presented the application to the Board. Mr. Yandow shared the Lot Line Adjustment plans and reiterated what Mr. Thompson said about the changes to the lots in question. He added that the adjustment being requested will allow the existing lot to meet town size requirements while creating a lot that also meets requirements to construct a house on. Mr. Yandow stated that all departments' comments have been addressed with the exception of the proposed driveway. That is currently still being worked out between Meridian and the Town Engineer, Dawn Tuomala.

Chairman Best questioned the setbacks that were noted on the plan because the proposed lot will have dual frontage on Hadley Road so they do not appear to be correct. Mr. Thompson interjected to add that Chairman Best is correct, the plan incorrectly reflects a rear setback that would not exist for this lot. Dual frontage lots have 2 front setbacks and 2 sides, but no rear setback. Chairman Best questioned the placement of the house on the existing lot because it appears to be in the front setback. Mr. Thompson clarified that the Town's Legal counsel has determined that since the change being made to the existing house lot will make that lot more conforming there is not a need to get a

variance for the existing encroachment since it has existed since the house was built, which pre-dates Zoning.

Mr. Thompson reminded the Board that lot line adjustments qualify under Section 4.07 of the regulations such that the Board can also make the determination that many items typically covered under a standard subdivision (such as sidewalks) are not applicable.

There was no public comment.

The Board voted 7-0-0 to accept the application as complete on a motion made by Lynn Christensen and seconded by Jamie von Schoen.

The Board determined under Section 4.07 that waivers were not necessary for the items typically required for a standard subdivision.

The Board voted 7-0-0 to grant conditional final approval on a motion made by Brian Dano and seconded by Lynn Christensen. 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 all required State approvals/permits applicable to the project and provide copies to the Community Development Department, as applicable.
3. The applicant shall note any 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 additional applicable legal documents for review at the applicant's expense, by the Town's Legal Counsel.
5. The applicant shall address the following comments from the Public Works Department:
 - a. Applicant shall show the proposed driveway location on the plan for lot 43-1. The Public Works Department will only accept a specific location for the driveway due to sight distance concerns, and requests the applicant work with DPW to establish that location.
 - b. Applicant shall note on the plan that a right-of-way permit is required for the new driveway and that the right-of-way permit shall be obtained prior to any work within the right-of-way.
 - c. There shall be no drainage impacts to the road from the new lot.
6. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable.
7. The applicant shall correct the setbacks on Lot 43-1 to reflect 2 front setbacks and 2 side setbacks (no rear setback).
8. The applicant shall address the following Planning Staff Technical Comments:

- a. Applicant shall revise Note 3 to indicate the property is in the R-4 (Residential, by soils) District instead of R-1.
- b. Applicant shall clearly indicate the water source is Merrimack Village District in Note 8.
- c. All lots shall be bounded with permanently set granite or precast concrete markers on frontage corners and iron pipes elsewhere per Sections 4.17.f & 4.18.a of the Subdivision Regulations.

The following general and subsequent conditions are 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. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant.
4. The applicant shall address the following comments from the Fire Department, as related to property addressing, as applicable.
 - a. Tax Map 5D-4 Lot 43 shall remain 7 Hadley Road.
 - b. Tax Map 5D-4 Lot 43A shall be 5 Hadley Road.

7. Discussion/possible action regarding other items of concern

The Board discussed moving the meeting time from 7:00 to 6:30. Lynn Christensen suggested 6:00 and Chairman Best stated he could not make 6:00 work because of his commute home from Concord. Mr. Thompson reminded the Board that the change could not take place until all continued items have been heard so the earliest this could begin is September 20th and added that this will also be the meeting that the Capital Improvements Plan is discussed.

8. Approval of Minutes — July 19, 2022

The Board voted 5-0-2 to approve the minutes of July 19, 2022, with changes, on a motion made by Lynn Christensen and seconded by Barbara Healey. Brian Dano and Paul McLaughlin abstained.

9. Adjourn

The Board voted 7-0-0 to adjourn at 7:49 p.m. on a motion made by Barbara Healey and seconded by Jamie von Schoen.