



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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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;

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 the comments from the town's peer review consultant, CLD/Fuss & O'Neill, as applicable, including any forthcoming comments resulting from review of the final plans for Planning Board signatures;
6. The applicant shall address any forthcoming comments from the Building Department, as applicable;
7. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
8. The applicant shall address any forthcoming comments from the Pennichuck Water, as applicable
9. The applicant shall address the following comments from the Public Works Department:
 - a. 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;
 - b. The drainage certification statement shall be added to the plans as specified in Section 4.16(c);
 - c. As per Section 4.18(a) Right of Way Work, monuments shall be set at all street intersections;
 - d. 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;
 - e. A note shall be added to the plans 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 Department;
 - f. A note shall be added to the plan stating that there shall not be any storage of equipment or materials within the Town right-of- way;
10. The applicant shall address the following Planning Staff technical comments:
 - a. 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;
 - b. Applicant shall add the following note to the plan:

- i. “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”;
- c. The following typical plan notes should be added to the plan set (on a sheet that will be recorded, typically the overall site plan):
 - i. Water source;
 - ii. Sewer source;
 - iii. Note regarding regulations being part of the plan (as required by Section 4.06.1.k);

The following items would be “General and Subsequent Conditions of Approval” at the appropriate time:

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 submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the building;
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. A Stormwater Operations and Maintenance Manual shall be provided at the Pre-Construction meeting. The manual shall also provide the reporting schedule during all phases of construction and also assign responsibility of annual reporting, along with the appropriate documentation/inspection sheets for each BMP. All reports shall be provided to Community Development within the appropriate time frames;
5. The applicant shall address any comments from the Fire Department, as related to building fire code compliance, sprinkler systems, building addressing, etc., as applicable (that are not deemed precedent conditions).

5. Discussion/possible action regarding other items of concern

- Electronic/online planning board packets

The Board agreed to have each member email staff to inform them of what they wanted (paper or electronic). If electronic packet information is generated, it may make sense to post it for the public.

- Townsend Place Clubhouse

Robert Price read into the record an e-mail from Jeff Ewing and Bob Folsom, developers of the Townsend Place project conditionally approved by the Board at the July 17 meeting, concerning the clubhouse discussion that took place prior to the Board's vote to conditionally approve the project. They wanted to discuss a merger with Blanchard Pointe. Rather than build a clubhouse, they propose to provide open space amenities including outdoor patio grilling, fire pit area and fitness/dog area to integrate with the trail access to which they as an abutter to Pennichuck have access rights. However the merger would require a 67% vote of Blanchard Pointe owners, which is difficult in any condominium association. One of Blanchard Pointe's concerns is the economics of the project as far as the impact on their current condominium fees. One issue is who owns and maintains the pump station. The condominium fee is a critical part not only of sales and marketing but also the long-term viability of the association. Considering the additional burden of the sewer pump station, the main road cost sharing, landscape requirements, etc., the applicants and marketing team agreed that they not consider building a clubhouse and instead provide outdoor recreational amenities. They ask the Planning Board to reconsider the condition of approval to build a clubhouse if no merger takes place with Blanchard Pointe and to meet PUD requirements by providing amenities to the community through use of creative outdoor open space. Duplicating amenities such as a clubhouse in the future may make a merger less attractive.

Robert Price read the subject condition of approval into the record: "The applicant shall indicate a clubhouse for this phase of the development on the plans as applicable, with appropriate notes indicating that it is to be constructed if the homeowners association is unable to utilize the clubhouse that is part of the previous phase of the project." The Planning Board is being asked to determine whether the provision of outdoor recreation facilities sufficiently meets this condition. If not, the applicant would need either to construct the clubhouse or return to the Board to seek removal of the condition.

Tom Koenig wanted the applicant to return to the Board to explain the details. Chairman Best said a gazebo is not a clubhouse and the site plan must be amended. Alastair Millns wanted the Board to see the figures and how much would be added to the condominium fees. Chairman Best noted that the Planning Board does not deal with economics. The question is whether the applicant's proposal satisfies the condition of approval concerning amenities. Nelson Disco said extra density was allowed for a PUD with some commercial use and some amenities when it was originally approved. Now one piece does not work: there is no access to the Bowers Landing clubhouse. The big picture has been lost. He wanted the applicant to research the original concept and subsequent changes and report to the Board what the original master plan for the entire PUD was when it was originally approved in terms of provided amenities.

It was the consensus that the Planning Board should not accept other amenities instead of a clubhouse and that the applicant should return to the Board.

- Banner signs

Alastair Millns counted 32 banner signs in town and suggested that the Planning Board decide whether to uphold the Sign Ordinance and send enforcement letters. Community Development Director Tim Thompson had said he cannot enforce Ordinance violations until he receives a service request form, which Alastair Millns volunteered to do.

It was the consensus of the Planning Board that service requests should be filed and that the Ordinance should be enforced.

6. Approval of Minutes — August 7, 2018

The minutes of August 7, 2018, were approved, with changes, by a vote of 5-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.

7. Adjourn

The meeting was adjourned at 8:30 p.m., by a vote of 5-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.