



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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## **MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY, JUNE 1, 2021**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, June 1, 2021 in the Matthew Thornton Room.

Robert Best, Chairman, presided.

Members Present:

- Paul McLaughlin (Vice Chairman)
- Lynn Christensen
- Councilor Barbara Healey, Ex-Officio
- Alternate Nelson Disco

Members Absent:

- Neil Anketell

Staff Present: Tim Thompson, AICP, Community Development Director

### **1. Call to Order**

Robert Best called the meeting to order at 7:00 p.m. and appointed Nelson Disco into a voting position in place of the late Alastair Millns' vacant position.

### **2. Planning & Zoning Administrator's Report**

**The Board voted 5-0-0 to determine that the BM Investments Subdivision & 57-59 Daniel Webster Highway Merrimack, LLC Site Plan are not of regional impact, on a motion made by Nelson Disco and seconded by Lynn Christensen.**

Tim Thompson announced that the Community Development Part-Time Secretary, Sharon Haynes has accepted a position in General Government so there will be a vacancy in the department soon and he will be recruiting. He commended Sharon on all the work she has done for the department in the last four years and wished her well. Chairman Best added that the Board is very appreciative for all she has done for them and wished her well.

Chairman Best shared that a potential new Planning Board member has been identified and will be interviewed by the Town Council at the next council meeting (6/3/21).

- ### **3. Garrett Burbee (applicant) and 385 DW Highway, LLC (owner) – Continued review for consideration of a Waiver of Full Site Plan Review to permit a mixed use development consisting of a single-family dwelling and contractor storage yard. The parcel is located at 385 Daniel**

Webster Highway in the C-1 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 090. Case #PB2021-10. **The item is continued from the April 6, 2021 Planning Board meeting.**

Tim Thompson prefaced the presentation by providing a brief history of the project. He reminded the Board that the applicant has obtained a variance from the Zoning Board to allow the mixed use of the property and is now seeking a Waiver of full site plan review. During the April 6, 2021 meeting the Board continued the project and suggested that the applicant provide a more detailed plan. Mr. Burbee (the applicant) did not reach out to staff to find out what was needed for the meeting until May 26<sup>th</sup> so anything submitted to the Board tonight has not been reviewed by staff.

Garrett Burbee (applicant) handed out a new plan to the Board and then proceeded to outline his plan. He explained that he operates his HVAC business from his home on 385 DW Highway and disagrees with the Community Development assessment that the business is a contractor's yard, but rather contends that it is more of a home occupation. He went on to explain that he only plans on using one room within his home as an office and the rest of the site will be used for residential use. He added that he has a total of two helpers and several work vehicles and any equipment and materials that are job related are stored within the vehicles. The existing 20x30 temporary garage is used to store personal belongings and will eventually be replaced by a 30x30 permanent structure. The business is open M-F 8 AM to 4 PM with office staff assistance but customers do not visit the site, all work is conducted off-site.

Chairman Best asked the applicant which set of notes are accurate because it appears there are different notes on the two plans that have been submitted. Mr. Burbee responded that they should be the same and Chairman Best provided an example of a note about snow removal from the original plans that is not included in the new plans that were just provided. Mr. Burbee then clarified that the general notes on the plan that was just provided to the Board contains the accurate notes. Mr. Thompson interjected to ask if the plan that was submitted is a Keach Nordstrom plan and Mr. Burbee confirmed that it is. Mr. Thompson then asked if Keach Nordstrom was notified that he would be using their plan and Mr. Burbee indicated that they were notified back in November. Chairman Best stated they would address the notification issue later and asked Mr. Burbee to walk them through the plan that was provided and did so, indicating the proposed location of the garage, the existing structures, gravel, pavement and soils. When asked about the entrance to the garage, Mr. Burbee responded that he does not intend to pave it and will leave it as dirt or use reclaimed asphalt.

Chairman Best explained that there are several factors of Mr. Burbee's plan that make it not qualify as a home occupation such as the number of employees and his business sign. Mr. Thompson also added that home occupations are not permitted in the commercial zone. Chairman Best asked how much space within the home is used for the business and Mr. Burbee responded that a 10x10 room on the first floor is used for his office and confirmed the outdoor parking area is also used for vehicle storage.

Nelson Disco commented that the plan that was submitted is confusing and does not depict what is currently at the site versus what is being proposed. He added that although some of his questions were addressed when Mr. Burbee walked through the plan, he does not believe it is ready to be accepted because everything is not properly represented. Chairman Best asked if there is any exterior lighting and Mr. Burbee referenced the plan to indicate where the outside

lights currently exist. He also confirmed that the business sign located in front of the property is illuminated.

Chairman Best asked Mr. Thompson if the application was accepted as complete at the last meeting and he confirmed that it was not and walked through the staff recommendations on acceptance that were outlined in the memo. Mr. Thompson also outlined the site plan requirements which require the following types of plans to be submitted, existing conditions, improvement, drainage, landscaping, and lighting. In addition to these plans, a traffic study is also required as part of the site plan approval process. Chairman Best indicated that he felt that several of the standard requirements could be waived but also feels that the plan is missing basic details such as what is currently in place versus what is changing. He questioned Mr. Burbee as to why he waited so long to contact the Community Development department to find out what was needed and Mr. Burbee answered that he was waiting for someone to contact him. Chairman Best advised Mr. Burbee that he needs to take a proactive approach with his project and contact staff if he needs assistance.

Mr. Thompson reminded the Board that a new abutter notice is going to be needed as the applicant is using a Keach Nordstrom plan and did not notify them. He also asked for clarification on what the Board is looking for to grant the waiver so that staff can direct the staff appropriately. Chairman Best explained that he does not have any specific outline in mind but they need to see specifically what is changing and what is not as well as cohesive notes that speak to what is being proposed. He also requested that since Mr. Burbee has stated that the garage is for personal use only, that a note indicating such be added to the plan. Application deadlines were discussed and the Board and staff agreed that a continuance to the July 20, 2021 meeting was appropriate.

Nelson Disco stressed the importance of updating the plan to show what is currently in place. Chairman Best advised the applicant that if they vote at the next meeting and a waiver of full site plan is not granted, he will have to hire an engineer to draft a full site plan. Mr. Burbee asked where he can find the site plan requirements and Chairman Best responded that he should work with staff and they will assist him with the requirements. Mr. Thompson added that everything will also be outlined in the meeting minutes which will be available in a couple of weeks.

Nelson Disco mentioned that drainage has not been discussed and Lynn Christensen added that she feels that is something that will be discussed with staff. Mr. Thompson stated that they are concerned about the drainage too because typically a drainage analysis is required when you increase the impervious surface area. Chairman Best asked if staff is never going to recommend a waiver of full site plan due to the drainage issue and Mr. Thomson commented that they will need to speak with Public Works before making a final determination. Chairman Best suggested that he measure the area where the AstroTurf was removed because it may even out the impervious surface area and he may not be increasing it.

**Due to a notification defect, the Board was unable to take any action on the application, and directed the applicant to submit a new application with re-notification of abutters and design professionals (as applicable) for the July 20 Planning Board meeting.**

4. **Ronald Rosenfeld (applicant) and Garrett and Jillian Soucy and Roseneiro Trust of 2014 (owner)** - Continued review for acceptance and consideration of final approval for a lot line adjustment. The parcels are located at 12 and 14 Dodier Court in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 7C, Lots 047-01 and 047-02. Case # PB2021-13. **The item is continued from the April 20, 2021 Planning Board meeting.**

Mr. Thompson provided an overview of this project by reminding the Board that it was continued from the April 20<sup>th</sup> meeting so that the applicant could request variances from the ZBA. Variances for lot size and frontage were granted at the May 26, 2021 ZBA meeting, so the applicant is now seeking final approval for a lot line adjustment (LLA) to correct an encroachment issue. The adjustment is essentially a swap of land and will result in both lots maintaining the same square footage.

Michael Ploof, (Fieldstone Land Consultants) was present to review the project with the Board and began by providing an overview of the lots in question and reiterating the purpose of the request. He also discussed the variances that were granted and noted that all staff comments have been addressed with the exception of final monuments and final legal documents. Mr. Ploof then shared a copy of the proposed plan to show where the encroachment exists and the land that is being proposed to swap. He added that there is an existing driveway/utility easement that is in the process of being relocated and demonstrated on the plan where the easement is today and where it will be if the relocation is approved.

**The Board voted 5-0-0 to accept the application for review, on a motion made by Nelson Disco and seconded by Lynn Christensen.**

Mr. Thompson advised the Board that staff has not had the opportunity to review the final plan to determine that all staff comments have been addressed. With that being said, staff recommends that the conditions of approval outlined in the memo still be added to the approval if granted.

There was no public comment.

**The Board voted 5-0-0 to grant conditional final approval to the application, on a motion made by Paul McLaughlin and seconded by Lynn Christensen. The following 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 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 applicable legal documents for review, if applicable and at the applicant's expense, by the Town's Legal Counsel.
5. The applicant shall address any forthcoming comments from other municipal departments & boards/commissions, as applicable.
6. The applicant shall address the following Planning Staff Technical Comments:

- a. The applicant shall revise the Planning Board signature block to 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. Revise Note 4 to note the properties are located in the R-1 (Residential, by soils) District and update the minimum requirements to R-1 requirements (50’ front, 30’ side, 60’ rear).
- c. Please provide all required monuments for all lot corners and points of curvature as required by the regulations (Section 4.18.a).
- d. Applicant shall note the variances from minimum frontage and lot size requirements (lot 47-1), and minimum frontage (lot 47-2) granted by the ZBA on May 26, 2021 on the plan.
- e. Staff notes the paved drive and gravel area benefitting Lot 47-1 encroaches onto Lot 54. Applicant shall provide easement documentation that allows this encroachment to exist, or remove the encroachments prior to final approval.
- f. Applicant shall show the existing driveway on the plan.
- g. The existing driveway easement shall be revised to match the location of the existing driveway on the ground, and the existing easement language shall be extinguished and updated to match this revision.

**The following “General and Subsequent Conditions of Approval” also be 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 address the any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable.

*Robert Best recused himself from Item #5, Paul McLaughlin assumed the position of Chair.*

5. **John Flatley Company (applicant/owner)** - Continued review for consideration of a Site Plan to construct 100,000 square feet of research & development/warehouse in 3 proposed buildings and associated site improvements, per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcel is located at 685 Daniel Webster Highway in the I-1 (Industrial) District and the Aquifer Conservation and Wellhead Protection Areas. Tax Map 6E, Lot 003-04. Case #PB2020-19. **This item is continued from the September 1, October 6, October 20, and November 10, 2020, January 5, and May 4, 2021 Planning Board meetings.**

The Applicant was represented by Chad Branon (Fieldstone Land Consultants) and Kevin Walker, (John J. Flatley Company). Mr. Branon began by providing a history of the project and explaining that during the last meeting they shared that they were able to come to an agreement with DES on a Stormwater management plan but the project was continued

because the plan needed to be reviewed by the town and the peer review consultants. Since that time, both parties have reviewed the design and provided minimal feedback that they are currently working through. Mr. Branon also shared a statement from Environmental Protection Agency (EPA) that indicates that the project does not fall within the town's MS4 permit which does address DPW's concerns.

Mr. Branon switched topics to address the two waivers that are being requested. The first is the illumination at the property line (3.13.e.3.ii. & 3.13.t) and the second is regarding locating trees in the property that are 15 inches in diameter or larger (4.12.c.18.viii). The area in question is at the loading area behind the northerly building along the boundary Lot 6E-3-2 (St. Gobain). Mr. Branon shared the plan to demonstrate the location of the area in question. He indicated that they feel a waiver is justified because both lots are located in the Industrial Zone and are industrial uses. The area in question is the only access to the St. Gobain manufacturing facility and has existing pole lights that currently shine onto the applicant's property. He added that the lighting plan is not excessive and meets the uniformity ratio outlined in the regulations.

The second waiver for section 4.12.c.18.viii is the requirement to identify existing trees greater than fifteen (15) inches in diameter. The design intent is to clear the majority of the site within the project area. The plans clearly show the limit of clearing and the existing vegetation within the prescribed limits is to remain. Due to the industrial nature of the proposed development, and the amount of terrain alteration necessary to provide level areas for the buildings and associated parking and loading areas, it is not possible to preserve existing trees other than in the areas already designated for preservation. Where possible, the design preserves the vegetation along the perimeter and provides buffers to abutting properties. He added that when the master plan was approved in 2013, this was not a requirement and there is no benefit in conducting the survey now and would just lead to an unnecessary financial hardship for the applicant.

**The Board voted 4-0-0 to grant waivers to Sections 3.13.e.3.ii (Maximum Illumination Level at property lines, and 3.13.t (regarding directing light beyond the boundaries in excess of 0.2 footcandles) of the Site Plan Regulations on a motion made by Nelson Disco and seconded by Lynn Christensen.**

**The Board voted 4-0-0 to grant a waiver from section 4.12.c.18.viii (regarding locating trees greater than 15" in diameter) of the Site Plan Regulations on a motion made by Nelson Disco and seconded by Barbara Healey.**

Nelson Disco asked if the building renderings were updated as a result of feedback that had been given by the Board and Mr. Branon confirmed that they have been and shared them with the Board. Mr. Thompson added that the applicant has not resubmitted anything recently because the two outstanding items were the peer review comments and the MS4 question and both of those have now been addressed. He went on to say that staff is now recommending conditional approval as the changes that have been made to the plan since the original submittal are in line with the town's requirements. He noted that an updated traffic analysis will be needed as the one submitted calculated the traffic as if it was going from retail to the flex space but the retail was never finalized so it cannot be calculated as a change. He also commented that final approval from MVD will also be required as a condition of approval.

Mr. McLaughlin commented that he is surprised that the applicant has not connected with MVD yet and Mr. Branon explained that they are working on a draft of the development agreement to share with MVD now that covers all of the projects on that land. Mr. Walker explained that he spoke with MVD last week and as Mr. Branon explained, they are working on developing a water plan for the entire site. Mr. McLaughlin also asked if MVD was part of the drainage conversations and the discussion about the MS4. Mr. Branon explained that in his opinion, MVD's involvement had some impact on the state reconsidering the treatment practices that are allowed on the site. Barbara Healey commented that she is concerned because the parcel is located in the aquifer and is interested in learning more about any concerns that the MVD may have with regards to the aquifer recharge. Mr. Branon explained that they are not proposing any recharge at the site and their proposal meets town standards.

Councilor Healey also asked if there are plans to put a fence around the existing pond that is on the site. Mr. Branon shared the plan to show the location of the pond and explained that it is situated near the access road for the Industrial site, away from any of the residential buildings. He also added that they have no plans to put a fence around it at this time and isn't sure if Fish and Game would approve of a fence because there may be wildlife in the area that needs access to the pond. Councilor Healey explained that there is a fence around the pond now and Mr. Walker and Mr. Branon confirmed that there are no plans to remove the existing fence at this time.

Councilor Healey then asked about the plan for soil testing and Mr. Branon explained that when the Alteration of Terrain permit is submitted, DES works directly with the Hazardous Waste Management Bureau and they review the soil management plan on the approvals. Mr. Walker added that their consultant has started their work and will be submitting their findings directly to DES. He indicated that he believes the soil management plan will be the same as what was used for the residential units which required additional permitting if ground water was hit during construction. The plan will also require no dirt to be removed from the site so they are going to use the dirt to construct berms behind the residential units to give the abutting neighbors some additional privacy. Paul McLaughlin asked when soil results will be available and Mr. Walker responded that he expects them within the next few weeks and Mr. Thompson confirmed that they will be shared with the Board when they are received. Nelson Disco asked how many sample sites were tested and Mr. Walker stated he believes it is upwards of 50. Mr. McLaughlin commented that he is apprehensive about the plan to move the soils closer to the residential units if the results of the sample are not available yet and Mr. Walker explained that the plan will need to be approved by the state before anything is done.

#### Public comment

Ashley Tenhave (75 Shelburne Road) expressed concerns with the proposed entrance as she feels that it will be too dangerous with people turning both left and right. She cited several accidents that have happened over the last several years at the entrance of Webster Green and added that the school bus stop is also located in that area. She added that the Webster Green residents have asked several times for the entrance to be reconsidered and nothing has been done about it. She went on to explain how bad the traffic is on DW Highway and how sometimes it takes her 15 minutes to make a left hand turn out of Webster Green and if the proposed entrance goes across from them, it's going to get worse.

Kathryn Poirier (11 Kimberly Drive, Unit 21) advised the Board that the Webster Green legal counsel will be contacting Flatley to discuss fencing options. She also echoed Ms. Tenhave's concerns with the safety of the residents and the children at the bus stop if the Flatley entrance is constructed across from theirs. She indicated that she spoke with the NH DOT and they will not put a stop light there because it is too close to an existing traffic light. She concluded by asking for clarification on the sign that is being proposed at the entrance and whether or not it is going to be illuminated.

Mr. Branon began by responding that signs are not being proposed at this time and will be requested separately under a new application submittal. He went on to explain that the proposed location of the entrance (across from the Webster Green entrance) was recommended by DOT because it is the safest place for it. Positioning it across from another entrance eliminates turning conflicts. He also discussed a second entrance that will have a traffic signal and commented that the entrance in question (across from Webster Green) may not see as much traffic because of this. Mr. Branon also stated that some lane improvements that have been discussed may also help with traffic turning and entering in that location but reiterated that all improvements need to be approved by DOT. He shared the plan to show where stop signs are going to be located and spoke about other traffic signs proposed for the site, including signs that direct trucks to the signalized intersection.

Councilor Healey commented that she feels that signs within the development will not impact traffic on DW Highway. She has personally tried to take a left onto DW Highway recently and it takes 10 minutes. She encouraged the applicant to do something to improve the traffic because it is bad now and will just get worse when their projects are implemented. Mr. Branon explained that they are limited to what they can do because DOT determines where traffic signals can be placed along DW Highway so they are making as many improvements as they can that are within their power. Mr. Disco added that they have not reviewed the traffic since the CUP and wants to know what changes are being made along DW Highway. Mr. Thompson explained that a new traffic report was submitted as part of this project and Giles Ham from Vanasse & Associates spoke to it at the last meeting. Mr. Branon showed the improvement plan that outlines the proposed changes to DW Highway, which includes a dedicated left hand turning lane. He added that the plans were reviewed by the peer review consultants and they offered some feedback that they are happy to comply with. Mr. Thompson clarified that the proposal that Mr. Branon shared has been sent to DOT because they have final approval.

Mr. McLaughlin reminded the Board that the statutory clock expires on June 18<sup>th</sup> so if a decision is not made at this meeting, an extension would be required. Mr. Disco commented that he would like a chance to review the peer review comments and the traffic report, Councilor Healey added she would like to see the results of the soil samples and Mr. McLaughlin stated he would like to hear from MVD. Mr. Thompson reminded the Board that if they continue to the next meeting on June 15<sup>th</sup>, they will not need an extension because it will still be within the timeframe. Mr. Branon agreed with this timing as they are already on the 6/15/21 agenda for another project.

**The Board voted 4-0-0 to continue the application to June 15, 2021, on a motion made by Lynn Christensen and seconded by Barbara Healey.**

*Robert Best resumed as chair.*

- 6. BM Investments, LLC (applicant) and George & Theresa Hadley (owners)** - Review for acceptance and consideration of final approval for a three lot subdivision. The parcel is located at 119 Bean Road in the R-1 (Residential, by Map) and Aquifer Conservation Districts. Tax Map 6C, Lot 141. Case # PB2021-18.

Mr. Thompson prefaced the presentation by explaining that the project went before the ZBA in April and received a variance for one of the lots to have less than the required 100,000 s.f of continuous upland area. The plan is to divide the existing lot into three, one lot will be used to develop a single family home and the other two lots are not buildable at this time due to the significant amount of floodplain that is present.

Matt Peterson, (Keach-Nordstrom Associates) was present to discuss the project with the Board and began by sharing the plan and walking through the current layout of the property. He explained that majority of the parcel is located in the floodplain for Baboosic Brook and demonstrated on the plan where the wetlands are located. He provided the square footage for each of the proposed lots and explained that the applicant is requesting a waiver for sidewalks because there is no place to put them. Mr. Peterson went on to explain that they believe that when the Baboosic Brook Bridge was re-done it changed the floodplain location so if someone is interested in the land and wants to pay to have a new flood study done, they may be able to build on the remaining two lots. He added that even if the lots are not buildable under current floodplain requirements, they could be sold as wetland mitigation. Chairman Best also asked about the structures that are shown on the aerial photo that was provided to the Board but are not on the plan. Mr. Peterson responded that there is a pool and a couple sheds that are not depicted and added that the applicant will have to remove the sheds if the land gets subdivided.

Mr. Thompson added that even though the lots are not all buildable in their current state, this proposal meets all of the Zoning requirements. Chairman Best asked for clarification on the property line and Mr. Peterson used the plan to demonstrate the property line. Mr. Peterson shared the proposed location of the house for the buildable lot to show where it will sit in relation to the floodplain.

**The Board voted 5-0-0 to accept the application for review, on a motion made by Lynn Christensen and seconded by Paul McLaughlin.**

Chairman Best asked how to handle the waiver request and Mr. Thompson advised that they can either determine it is not necessary and add it into the motion or vote on it. Chairman Best shared his feelings that he does not feel that sidewalks are necessary for this subdivision.

There was no public comment.

Nelson Disco expressed concerns with creating non-buildable lots and feels that it is setting up a future variance because it is creating a hardship. Mr. Thompson advised the board that the topic of hardship was discussed at the ZBA meeting and the current Board felt as if the hardship criteria would not be met because it was created by the subdivision of the land. Chairman Best expressed concerns that years down the road a new Board may not feel the same way so he proposed adding a note to the subdivision plan. Mr. Peterson reminded the Board that they only reason these lots are unbuildable is because of the floodplain and the lots meet all of the town requirements. He added that if a new floodplain study is conducted, the results may be different. Mr. Thompson also clarified that the term unbuildable may not be appropriate here because with the right shoreland permits and floodplain insurance it

could be done. The discussion carried into how to describe the lot's building limitations without using the word "unbuildable" and they decided that Mr. Peterson would come up with something and add it to the plan.

**The Board voted 5-0-0 to grant conditional final approval to the application, on a motion made by Lynn Christensen and seconded by Barbara Healey. The following 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 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 Assessing Department as applicable.
6. The applicant shall address any forthcoming comments from the Public Works Department as applicable;
7. The applicant shall address any forthcoming comments from other municipal departments & boards/commissions, as applicable.
8. The applicant shall add a note to the plans regarding the constraints for building on the 2 proposed northerly lots, relative to floodplain constraints and mechanisms necessary for building to be permitted (please submit draft language to the Community Development Department Staff for review prior to including on the final plan).
9. The applicant shall address the following Planning Staff Technical Comments:
  - a. Abutter information for Map 6C, Lot 140; Map 6C, Lot 137-4; and Map 6C, Lot 145-1 needs to be revised with the correct owner information ("Alber" needs to be changed to "Albert"; "Adiana" needs to be changed to "Adriana"; "Marry" needs to be changed to "Mary");
  - b. Abutter information needs to be revised with the correct deed reference numbers for Lots 145-1 and 147-10.
  - c. Revise Note #9 to say "Community Development Department".
  - d. Add a note that specifies how water is/will be supplied to each of the lots (Merrimack Village District or private well). Further, add a note that the proposed lots are to be served by private septic.

- e. Add the line for the “50’ Primary Building Setback” on Lot 141 to the legend;
- f. Add the lines for the flood zone to the legend.
- g. Amend the rear setback on Lots 141 & 141-1 to 60’.
- h. Show proposed driveway locations for Lots 141 & 141-1 in addition to the proposed driveway location that is shown for 141-2.
- i. Indicate whether the existing structures on lot 141 are to be removed or relocated.

**The following “General and Subsequent Conditions of Approval” also be 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. The applicant shall address the any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable.
7. **57-59 Daniel Webster Highway Merrimack, LLC. (applicant/owner)** - Review for acceptance and consideration of a Site Plan to construct a 100,700 s.f. manufacturing building and construct a 66,000 s.f. manufacturing addition to the existing 449,500 s.f. warehouse building. The parcels are located at 57-59 Daniel Webster Highway in I-1 (Industrial) and Aquifer Conservation Districts, Tax Map 2E, Lots 006 and 006-01. Case # PB2021-19.

**At the applicant’s request, the Board voted 5-0-0 to continue the application acceptance and public hearing to July 6, 2021 on a motion made by Lynn Christensen and seconded by Barbara Healey.**

8. **Chris Quinn, on behalf of Chase Bank (applicant) and CP Merrimack, LLC (owner)** - Review for acceptance and consideration of final approval of a waiver of full site plan review to construct a Free-Standing Drive-up ATM. The parcel is located at 7 Continental Blvd, in the I-1 (Industrial) & Aquifer Conservation Districts and the Wellhead Protection Area. Tax Map 3D, Lot 003-01. Case # PB2021-20.

Mr. Thompson began by providing an overview of the project which is a request to construct a stand-alone ATM within the Shaw’s plaza on Continental Blvd. The ATM will be located in the existing parking lot close to Dobson Way and McDonalds. He added that staff noticed a discrepancy in the number of parking spaces at the site. The most recently approved site plan indicates 376 parking spaces and only 4 spaces are being eliminated but the final total the applicant gave is 361 spaces following construction of the ATM. This number needs to be clarified to ensure the parking calculation is correct.

Chris Quinn (TKO Installations) was present to discuss the project on behalf of Chase Bank. He shared the plan to demonstrate the location of the proposed ATM in the north corner of the parking lot. He continued by explaining that the impacted area is 833 square feet and will occupy 4 existing parking spaces. He walked through the plans in detail and shared the plans for landscaping.

Mr. Thompson explained that the plan being shared is more of an architectural plan but staff was ok with it being used as it is a waiver of full site plan and a minor project at that. The full site plan for the plaza is on file.

**The Board voted 5-0-0 to accept the application for review, on a motion made by Nelson Disco and seconded by Barbara Healey.**

There was no public comment.

Paul McLaughlin asked about snow storage because the placement of the ATM is typically where the plaza store snow in the winter. Mr. Thompson recommended that they add the re-location of snow storage as a condition of approval.

**The Board voted 5-0-0 to grant the waiver of full site plan review, on a motion made by Lynn Christensen and seconded by Paul McLaughlin. The following conditions apply:**

1. Final plans to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans as applicable.
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 Merrimack Village District, as applicable.
6. The applicant shall address any forthcoming comments from the Public Works Department, as applicable:
7. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable.
8. The applicant shall address any forthcoming comments from the Fire Department, as applicable.
9. The Applicant shall include a copy of the overview plan (used in the presentation at the public hearing) as part of the final plan set.

10. The applicant shall add appropriate notes to indicate relocation of any snow storage areas impacted by the construction of the ATM.
11. The applicant shall address the following Planning Staff Technical Comments:
  - a. Add a breakdown the of the “required parking” calculation of page G001.
  - b. Add a Planning Board signature block in accordance with Section 4.03 of the Site Plan Regulations
  - c. Add map and lot number to title block.
  - d. Add a scale to each page of the plan.
  - e. The applicant shall add the following typical plan notes to the plan to make it acceptable for final approval:
    - i. Purpose of plan;
    - ii. Area of subject parcel;
    - iii. Zoning designation of subject parcel.;
    - iv. Minimum lot area, frontages and setback dimensions required for district(s);
    - v. Parking requirements, as outlined in the regulations;
    - vi. Sanitary sewer source;
    - vii. Water supply source;
    - viii. List of Planning Board waivers (if applicable).

**The following “General and Subsequent Conditions of Approval” also be placed on the approval:**

1. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant.
2. 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).
3. The applicant shall address any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable (that are not deemed precedent conditions).

**9. Discussion/possible action regarding other items of concern**

**The Board voted 5-0-0 to grant a 6 month extension of conditional approval for the Ultimate Bimmer Site Plan, on a motion made by Nelson Disco and seconded by Barbara Healey.**

**The Board voted 5-0-0 to grant a 6 month extension of conditional approval for the Bowers Landing II Phase VII Site Plan, on a motion made by Barbara Healey and seconded by Nelson Disco.**

**The Board voted 5-0-0 to grant a 6 month extension of conditional approval for the PMG Northeast Site Plan, on a motion made by Lynn Christensen and seconded by Nelson Disco.**

**10. Approval of Minutes — May 18, 2021**

**The Board voted 4-0-1 to approve the minutes of May 18, 2021 as submitted, on a motion made by Nelson Disco and seconded by Barbara Healey. Lynn Christensen abstained.**

**11. Adjourn**

**The Board voted 5-0-0 to adjourn at 9:43 p.m. on a motion made by Barbara Healey and seconded by Paul McLaughlin.**