



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 21, 2022

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, June 21, 2022 in the Matthew Thornton Room.

Members Present:

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

Members Absent:

- Paul McLaughlin (Vice Chair)
- Neil Anketell

Staff Present: Robert Price, Planning & Zoning Administrator

1. Call to Order

Chair Robert Best called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance. Mr. Best appointed Nelson Disco & Maureen Tracey to vote for Paul McLaughlin & Neil Anketell, respectively.

2. Planning & Zoning Administrator's Report

None.

3. Consent Agenda

- a. Regional Impact Determination for Atamanchuck site plan (case #PB2022-26).*
- b. Extension Request: six month conditional approval extension for the Flatley Industrial Flex project located at 685 DW Highway (case #PB2020-19).*
- c. Extension Request: six month conditional approval extension for the Gordon House Assisted Living project located at 585 DW Highway (case #PB2020-27).*
- d. Extension Request: six month conditional approval extension for the L&W Supply project located at 17 Smith Road (case #PB2021-46).*
- e. Extension Request: six month conditional approval extension for the Anheuser-Busch project located at 221 DW Highway (case # PB2022-05).*

- f. Extension Request: six month conditional approval extension for the Neat Auto project located at 396 DW Highway (case #PB2021-26).*

The Board voted 7-0-0 to approve the consent agenda on a motion made by Lynn Christensen and seconded by Barbara Healey.

4. **Deborah Atamanchuck (applicant/owner)** – Review for acceptance and consideration of final approval of a Waiver of Full Site Plan to construct a 1,500 s.f. residential building addition onto an existing mixed use building. The parcel is located at 4 Mound Court in the C-2 (General Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 4D-4, Lot 2. Case # PB2022-26

Robert Price prefaced the presentation by providing some background information to the Board, noting that the applicant approached staff about a year ago about adding a second residential unit to the site and at that time, staff discovered the mixed use approval for the site was never granted by the Zoning Board. The variance for the mixed use has now been granted and the owner is seeking approval to expand the residential use by adding a second living unit to the existing building.

Matt Peterson (Keach-Nordstrom Associates, Inc.) and Deborah Atamanchuck (owner) presented the application to the Board. Mr. Peterson began by explaining that they are seeking a Waiver of Full Site plan to be exempt from providing full site plan details, however, the details provided on the plan that was submitted have been fully surveyed and engineered. He walked through the existing conditions plan and pointed out the driveway entrance as well as the location of the existing building. He also noted that the site is serviced by town water and town sewer however the sewer lines are not currently shown on the plan but will be added based on feedback received from staff. Mr. Peterson then shared the Site Plan to show the location of the proposed addition. The addition will result in the loss of three parking spaces however, a three bay garage is being proposed so the three spaces will be moved to the garage and there will be no loss in spaces. The space above the garage will be converted to a residential unit for the owner's daughter and grandchildren to live in.

Councilor Healey asked if the applicant has the grease interceptor and backflow preventer mentioned in staff memo as being necessary. Mr. Peterson confirmed that the grease interceptor is in place and that he is planning on speaking with Public Works about the backflow preventers because the commercial use is not changing. Councilor Healey then asked about the sprinkler system that is being requested by the Fire Department and Mr. Peterson stated that it is not shown because they were unaware one was needed. He stated that he is going to speak with the Fire Department about the request.

Nelson Disco asked where the sewer lines are and Mr. Peterson used the Site Plan to demonstrate the approximate location of the lines. He also asked about a parking agreement that was mentioned in the staff memo and Mr. Peterson confirmed that the agreement is already in place and recorded under HCRD Book 2784, Page 361.

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

The Board voted 7-0-0 to grant a waiver of full site plan review because strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations, on a motion made by Brian Dano and seconded by Nelson Disco.

There was no public comment.

The Board voted 7-0-0 to grant conditional final approval on a motion made by Nelson Disco and seconded by Barbara Healey. 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, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall provide draft copies of any applicable legal documents for review (proposed access/drainage easement), at the applicant's expense, by the Town's Legal Counsel;
4. The applicant shall provide a letter from Merrimack Village District indicating the availability of public water to the project;
5. The applicant shall address the following comments from the Public Works Department relating to sewer, as applicable;
 - a. The Municipal Sanitary Sewer Lines are not shown on the Plan. The lines need to be shown coming out the building and where the lines are tying into the Town Sewer System. In addition, all existing and proposed cleanouts, back flow devices and grease traps shall be shown.
 - b. The existing lateral line shall be videoed to assure the size, type and the condition of the pipe. The video shall determine if the line is working properly and can take any increase in load and also to ensure that there is no groundwater infiltration/inflow. Any part of the system not meeting the requirement standards today shall be designed and updated as part of the project.
 - c. A note shall be added to the plans stating that under no circumstances shall stormwater, surface water, ground water, roof runoff subsurface drainage, geothermal discharge or untreated industrial process water be discharged into any public sanitary sewer system. There shall be no footing or floor drains connecting into the sewer system (SSES S3-01.1.e).
 - d. Under section SSES S3-02.2 the design engineer shall submit demand projection calculations for the sanitary sewerage system connection for both the existing and proposed conditions as required.
 - e. A Grease Interceptor shall be provided for any food operation service and shall be sized and designed per all applicable Town Codes. The interceptor shall be a

minimum capacity of 1,000 gallons and shall be located outside the building within twenty feet of the driveway for access by maintenance vehicles. All applicable notes and details shall be added to the plan per section SSES S3-12.2.

- f. A backwater valve shall be provided per section SSES S4-12. A detail provided on the plans. Construction shall be per section SSES S5-19. There shall be access to the unit from the surface by a sleeve and a cap. A cleanout for sampling shall also be provided.
 - g. The Pre-Treatment Manager and the Health Officer shall both have unlimited access to the Grease Interceptor and the Sewer Cleanout for testing and compliance standards. This shall be noted on the plans.
- 6. The applicant shall address the following comments from the Public Works Department relating to the storm drain system, as applicable;
 - a. The drainage system shall be designed so that the Post Development Runoff does not exceed the pre-development runoff rate.
 - b. The drainage system is to remain private and shall be noted on the plans and be the responsibility of the owner and future owners and will not be the responsibility of the Town of Merrimack. The requirement shall run with the property.
 - c. An operations and maintenance plan shall be prepared. Once the Certificate of Occupancy has been issued a report shall be sent to Community Development once a year on or before June 30th of each year.
- 7. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall add “Aquifer Conservation District” and “Elderly Housing Overlay District” to Note 4 on Sheets 1 & 2;
 - b. The applicant shall add a note indicating the water source as Merrimack Village District on Sheet 2;
 - c. The applicant shall add a note indicating the sewer source on Sheet 2;
 - d. Add an owner’s signature block to Sheet 1;
 - e. Add a Planning Board signature block to Sheets 1 & 2;
 - f. Add the note per Section 4.11.t of the Site Plan Regulations regarding prohibition of salt & chemical de-icers to Sheet 2;
 - g. Amend Note 1 on Sheet 2 to say “the purpose of this plan is to depict the proposed 1,552 s.f. footprint, residential addition to the existing mixed-use building for Map 4D-4 Lot 2 in the Town of Merrimack, New Hampshire as shown hereon.”
 - h. If there is a recorded parking agreement/easement on abutting parcels, the applicant shall reference it on the plan.

- i. Add a note with any Planning Board waivers (including the waiver of full site plan review, if granted) to the plan.

The following general and subsequent conditions are also 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. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
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);
4. The applicant shall address the following comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).
 - a. As this proposal is for a change of use to a mixed use combining a residence and restaurant the entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued.
 - i. This property was granted a waiver of the sprinkler requirement in 2017 by former Fire Chief Currier due to the small size of the attached bakery/cafe area, and with the provision of a 2 hour rated fire wall between the residence and the bakery, as well as the addition of an approved NFPA-72 fire alarm system. As this new proposal is to add a second living unit this now becomes a multi-family residence with an attached bakery **the waiver previously granted is no longer in effect and the building is now required to have a full NFPA-13 fire sprinkler system installed as stated above.**
 - b. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued.

6. Discussion/possible action regarding other items of concern

- Mr. Price provided an update on a Lot Line Adjustment (LLA) for Dodier Court that was before the Board in 2021. During the approval process for the LLA an encroachment issue with an abutter was captured on the plans so the Planning Board made it a condition of approval for the LLA that the encroachment be corrected before the plans could be signed. The applicant has provided staff with an update that they are working with the neighbor now to rectify the issue.

- The July 5th meeting only has one agenda item that is a continuance from the June 7th meeting however, the item needs to be continued again so the Board will need to officially meet to vote on the continuance.

7. Approval of Minutes — June 7, 2022

The Board voted 6-0-1 to approve the minutes of June 7, 2022, as submitted, on a motion made by Lynn Christensen and seconded by Barbara Healey. Maureen Tracey abstained.

8. Adjourn

The Board voted 7-0-0 to adjourn at 7:24 p.m. on a motion made by Lynn Christensen and seconded by Barbara Healey.