



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY, MARCH 20, 2018

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Paul McLaughlin, and Alternate Nelson Disco.

Planning Board members absent: Lynn Christensen & Alternates Dan Ricker and Vincent Russo.

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 Lynn Christensen.

2. Planning & Zoning Administrator's Report

None.

- 3. Synergy Self Storage, LLC. (applicant/owner)** — Continued review for acceptance and consideration of a waiver of full site plan review for modifications to the previously approved site plan regarding access and parking. The parcel is located at 403 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation and Elderly Housing Overlay Districts. A portion of the parcel is subject to the Flood Hazard Conservation District. Tax Map 4D-3, Lot 084-01. **This item is continued from the October 17, 2017, December 19, 2017, and February 6, 2018, Planning Board meetings.**

Doug MacGuire, the Dubai Group, did a full as-built survey of the area where the access road to Wright Avenue was constructed. There has always been a gravel access in this area, which is now paved. The applicant matched grades and drainage flow patterns to what was there originally. His comparison model showed that some areas were widened and paved. There was a small increase in drainage runoff due to increased impervious surface. Two proposed recharge trenches/ditches would intercept runoff before it goes to the abutter's property, store it and increase infiltration. Sheet flow water would be contained and recharged. In another area, sheet flow that comes onto the property from the abutter would be intercepted uphill. Both runoff velocity and volume would be reduced. Allowing the road to remain means that there would be a secondary access road/vehicle storage area for the site. Everything would be on Chris Ross's property.

Doug MacGuire explained that he was able to determine previous conditions from aerial photos and because he represented Woodland Design when Synergy's original proposal came to the Board for approval. The gravel access road is 13'-22' wide; the paved area is 45'+ at the widest point.

Joel Sikkila, Synergy Self Storage, LLC, said there is a 20' clear travel area and 15½' width between the telephone pole located in the middle of the roadway and the fence. Chairman Best stated that does not meet the Fire Department's width requirement for an emergency access. Doug MacGuire said it is a gated secondary emergency access point. A fire truck can turn down at Synergy. A secondary access was not required for the site plan. Chairman Best asked the applicant to clarify whether the area is for parking spaces or for a secondary access.

Chris Ross, Synergy Self Storage, LLC, said that, when he had to relocate some parking, he created another access. It was his oversight that he never discussed roadway details with the Board. Chairman Best noted that is the reason for this meeting.

Joel Sikkila said a five-story facility was approved in 2012, but the financing limitations required it to be built in phases. Two floors were built in phase 1 and three in phase 2. No building permit could be issued for two floors without documentation that it would be a phased project. When the phased approval was granted (Administratively by the Community Development Department), the site plan did not show an access road. In order to meet Fire Marshal John Manuele's concerns during the Certificate of Occupancy process, a door and windows were installed on the east side/ back of the building. Synergy did that and the gate was relocated. The Fire Department wanted to use it as an access to Wright Avenue, but it was never put on the drawing.

Chris Ross said that former Planning and Zoning Administrator Nancy Larson originally did not want the access road. Chairman Best questioned why he built it anyway noting that Nancy Larson was extraordinarily cautious about administratively approving something without seeking his approval first. Chris Ross replied that Nancy Larson eventually told him to "go ahead." Chairman Best questioned that such an approval ever took place, given there is no record of it in the files.

Joel Sikkila said the approved phasing plan shows a gate for emergency vehicle access. The 10'-12' elevation difference required installing a ramp. Chairman Best repeated that the Planning Board did not approve the road. The Public Works Department (PWD) indicated that the applicant did not obtain a right-of-way permit prior to constructing the access road. As a result, it was not constructed to meet the requirements of Section 4.13.1 – Driveways, and Section 7.05.D.20 – Driveways and access Roads. Alastair Millns claimed that more than 50% of the road is taken up by parking. The remaining 15' are not wide enough to meet Fire Department requirements. The Planning Board never agreed to parking on the road, especially near Wright Avenue. Chris Ross claimed that any size truck could get around there. Joel Sikkila said the original plan had no emergency access road, only a gate. Alastair Millns repeated that it was done without approval.

Doug MacGuire said the applicant recognizes that he did not go through the proper procedure and asked how to move forward. The applicant now has a survey and a comparison between what existed before and what is on site now.

Alastair Millns noted that the proposed drainage solution is not on the applicant's site. Doug MacGuire said the abutter would have to give an easement and that Chris Ross would maintain it and keep it clean. Alastair Millns stated that the Planning Board must see a written easement and a statement about maintenance. Doug MacGuire acknowledge this, noting that the applicant did not want to spend the money to draft up such documentation without Board approval.

Doug MacGuire showed the Board the areas where the grade was matched. There are two new culverts on the east to catch runoff coming onto the site. Chairman Best said an engineered design is needed for the culverts because they lead into wetlands on the high side. Chris Ross volunteered to remove the pipes, but Chairman Best could not know whether that is a good idea without an engineer's analysis. Chris Ross agreed to have an engineer look at the culvert design. Doug MacGuire said he would produce Wetland Scientist Bruce Gilday's findings and could show what culverts would do in storm events.

Alastair Millns noted that the problems listed in staff's October 11, 2017, memo still exist: "the area from the building to Wright Avenue contained a paved access road including striped parking spots for commercial use and storage of trailers. This site development was not included on the approved site plan. The applicant provided a Wetland Development Report from a certified wetland scientist that states the construction of the access road has not impacted jurisdictional wetlands, but it did encroach into the 25' wetland buffer area. In addition, there are several other discrepancies that vary from the original site plan approval that need to be addressed:

1. The parking area between the storage facility and the multi-tenant commercial building was altered to improve traffic flow and access;
2. Six parallel parking spaces were added along the D.W. Highway access drive;
3. Five parking spaces have been added outside the Synergy building's front door area;
4. Seven parking spaces have been added to the northeasterly corner of the property, all of which encroach upon the abutting lot, Map 4D-2, Lot 002."

Chris Ross intends to meet with the abutter in Nevada to either get an encroachment easement or obtain a portion of their property to solve their encroachment issue. Joel Sikkila said there was an issue locating the owner that resulted in a lengthy delay. Chairman Best said it should be simple to communicate on the phone or over the Internet rather than require a flight.

Chairman Best said parking on the north part of the driveway off D.W. Highway is not part of the approved plan. Chris Ross said the preschool increased its parking and cars parked across the driveway. He required employees to park there instead so that customers would not have to walk across the driveway. Chairman Best said those are

not valid parking spaces and that they block Fire Department access to the site. Alastair Millns added that there are marked spaces close to D.W. Highway, but on Saturday March 17 they were full of snow and cars could not park there. They blocked the driveway instead. Chris Ross was told by the Board in October 2017 to halt that practice. Chris Ross demurred, saying that he manages the parking lot every day, there is always a space for customers and he does not cover them with snow. Chairman Best said if the applicant has to direct traffic on a daily basis then there are not enough parking spaces on site to support the businesses located there.

Fire Marshal John Manuele stated that the Fire Department requires a 24'-wide access road and summarized the history between the Fire Department, himself and Chris Ross. The access via D.W. Highway is acceptable without access to Wright Avenue. The Fire Department had no prior knowledge of an emergency access road on Wright Avenue. It cannot be labeled a Fire Department access road unless the engineering shows that the structural integrity of the pavement and base materials can support fire truck weight, and unless the Fire Department has an access key to the gate & the access way must be at least 24' wide.

Nelson Disco asked where drainage would go after the wetland. Doug MacGuire said there is no outfall. Nelson Disco said there must be an outfall/escape somewhere. Doug MacGuire explained that infiltration trenches would reduce runoff slightly. There is no access to the wetland on the east.

Nelson Disco repeated that it cannot be labeled a fire access road if it is 15' wide. Doug MacGuire agreed that the applicant will no longer call it a fire access road; therefore it could be an outdoor vehicle storage area.

Michael Redding asked about high ground water conditions. Doug MacGuire did not do test pits, but he would if the Board so instructed. The high water condition is slightly higher than the wetland.

Chairman Best stated that the Board needs to consider the question of completeness of the application. He added that personally, he is struggling with finding the application as complete because doing so would trigger the Board's next question, which is whether a waiver of full site plan is appropriate, which he personally does not agree with. Other members of the Board agreed with Chairman Best's sentiment.

The Board voted 5-1-0 to find the application incomplete, since the information needed to find the application complete necessitates a fully engineered site plan as opposed to a waiver of full site plan as has been sought by the applicant, and further that the applicant must submit a fully engineered site plan, on a motion made by Alastair Millns and seconded by Paul McLaughlin. Tom Koenig voted in the negative.

Through this action, the Board is requiring the applicant to submit a fully engineered site plan for anything different from the original plan, do test pits, submit information on culverts, show snow storage and parking sign locations, resolve parking issues, road width, resolve the encroachment onto the abutter's property and remove the utility pole from the middle of the "access road".

4. Discussion/possible action regarding other items of concern

The Board discussed details for presenting a questionnaire about the NRPC Route 3 Pedestrian Plan at the polls during Town Meeting voting day on April 10, 2018.

5. Approval of Minutes — March 6, 2018

The minutes of March 6, 2018, were approved as submitted, by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.

6. Adjourn

The meeting was adjourned at 8:25 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.