



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY MAY 17, 2022

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, May 17, 2022 in the Matthew Thornton Room.

Members Present:

- Paul McLaughlin (Vice Chair)
- Brian Dano
- Nelson Disco – Alternate
- Town Councilor Barbara Healey - Ex-Officio

Members Absent:

- Robert Best (Chair)
- Neil Anketell
- Lynn Christensen
- Jaimie von Schoen
- Maureen Tracey – Alternate

Staff Present: Casey Wolfe, Assistant Planner

1. Call to Order

Vice Chair Paul McLaughlin called the meeting to order at 7:00 p.m. Mr. McLaughlin appointed Nelson Disco to vote for Neil Anketell.

2. Planning & Zoning Administrator's Report

None

3. Consent Agenda

a. Regional Impact Determination for the Home Health & Hospice Site Plan

The Board voted 4-0-0 to approve the consent agenda on a motion made by Nelson Disco and seconded by Barbara Healey.

4. Chris Ross (applicant) and 702 Daniel Webster Highway, LLC (owner) – Continued review for acceptance and consideration of final approval for a Conditional Use Permit and Site Plan to construct a 592-unit self-storage facility. The parcel is located at 702 DW Highway in the in the C-2

(General Commercial) District. Tax Map 7E, Lot 023-01. Case # PB2022-14. **This item is continued from the March 1 and March 15, 2022 Planning Board meetings.**

Vice Chair McLaughlin indicated that the applicant for this project has requested a continuance to an indefinite date.

Nelson Disco expressed his concerns with having an item on the agenda indefinitely and stated that he should just come back when he is ready. Casey Wolfe clarified that the project would not remain on the agenda continuously until the applicant is ready, it would be placed on a future agenda once the applicant is ready to proceed and the abutters have been re-notified.

The Board voted 4-0-0 to determine the application as incomplete on a motion made by Nelson Disco and seconded by Barbara Healey.

5. 8 Jennifer Drive, LLC (applicant/owner) – Review for acceptance and consideration of final approval of a Waiver of Full Site Plan Review for an expansion of an assisted living use (increase of 12 beds, bringing the on-site total to 40). The parcel is located at 8 Jennifer Drive in the I-1 (Industrial), Aquifer Conservation & Elderly Housing Overlay Districts. Tax Map 4D-4, Lot 064. Case # PB2022-19.

The application was presented by Matt Peterson (Keach-Nordstrom Associates, Inc.) and John Marino, owner. Mr. Peterson began by explaining that an assisted living facility has existed at the 8 Jennifer Drive location for decades but closed in 2020 at the height of the pandemic. The property has since been sold and the new owners would like to re-open the facility with an expansion of 12 additional beds. Mr. Peterson explained that the applicant did receive a variance from the Zoning Board to allow for the expanded use and are now requesting a waiver of full site plan. The expansion will be done internally by converting office space to rooms and no exterior changes are being proposed to the building or site.

Mr. Peterson shared some exterior pictures of the site as well as floor plans to demonstrate where the changes are being proposed and added that the applicant has been working with both the Merrimack Fire Department and necessary State agencies to ensure the renovations meet State and local safety requirements and regulations. Mr. Peterson also pointed out that there is a pedestrian walking path located on site but they are not proposing sidewalks on the main road as they do not want the residents venturing offsite on their own. Mr. Peterson wrapped up his presentation by stating that the applicant is seeking a waiver of full site plan review as well as a waiver from the parking requirements as their residents typically do not have cars.

Ms. Wolfe advised the Board that because the applicant is using an old plan (the approved 1997 site plan for the property) that was not prepared by his current engineer (Keach-Nordstrom Associates, Inc.), revisions cannot be made to the plan without the prior firm's (Meridian Land Services, Inc.) consent. Any notes that need to be added would need to be attached to the plan and filed accordingly.

Vice Chair McLaughlin stated that he personally prefers to see new plans but wanted to know how the rest of the Board felt. Mr. Disco expressed his beliefs that the approvals for this project could be issued with the plans provided. Mr. Disco then asked about the parking situation and questioned whether or not 7 spaces will be enough. Mr. Marino explained that there are only 4 staff members present at any given time and added that the previous owners ran the business for over three decades with the same number of parking spaces. Mr. Disco asked if the Town's Wastewater department has

been contacted yet about the increase in use and Mr. Peterson explained that he has not consulted with them yet but intends to.

Councilor Healey asked Mr. Marino what level of care the residents need and he explained that the residents must be ambulatory to reside there and cannot be bedridden. The conversation continued regarding the types of care offered, the capabilities of the residents and the evacuation plan for emergencies.

Councilor Healey asked if the floor plans could be updated to reflect where the rooms are located and Ms. Wolfe clarified that floorplans are not part of the site plan review process and that Mr. Peterson was just showing them so that the Board could get a sense of the renovations being done to add the 12 additional beds.

The Board voted 4-0-0 to accept the application as complete on a motion made by Nelson Disco and seconded by Brian Dano.

The Board voted 4-0-0 to grant the waiver of full site plan review and waiver from the parking requirement on a motion made by Nelson Disco and seconded by Brian Dano.

Public Comment

Mark Twardoski, (3 & 5 Jennifer Drive) spoke in favor the project and stated that he knew the previous owners and is looking forward to working with the new owners.

The Board voted 4-0-0 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 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, as applicable.
3. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel.
4. 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.
5. The applicant shall address any forthcoming comments from the Public Works Department & Wastewater Division, as applicable.

The following general and subsequent condition are also placed on the approval:

1. 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);

2. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).

6. Home Health and Hospice Care (applicant/owner) – Review for acceptance and consideration of final approval of a Site Plan Review to construct two building additions totaling 8,168 square with associated site improvements. The parcel is located at 210 Naticook Road in the R-4 (Residential) and Aquifer Conservation Districts. Tax Map 2B, Lot 324-002-01. Case # PB2022-20.

Jason Hill and (TFM), Barbara Lafrance (Chief Clinical Officer at the Community Hospice House) and Robert Schaefer (R.A. Schaefer & D.M. White, Architects) presented the application. Barbara Lafrance began by providing a brief history of the Hospice House and then Jason Hill shared the site plans and walked through the plans for the two additions that are being proposed. The first addition is 6,260 sf and is located on the southeast wing. The new space will be used for a patient care pod and will add 6 additional patient suites to the facility. The second addition will be 1,908 sf on the northwest wing and will be used as a support wing for the Hospice staff members. He went on to explain that the existing 48 parking spaces will still satisfy the parking needs for the site and took the time to demonstrate where the walking paths are located on the property, explaining that all of the paths will have to be reconfigured to allow for the expansion. Mr. Schaefer shared the architectural renderings and floor plans with the Board.

Mr. Disco asked if the traffic report was provided in their packets and Vice Chair McLaughlin responded that he did not see it but staff mentioned in their memo stating that the addition would result in one additional peak hour trip.

The Board voted 4-0-0 to accept the application as complete on a motion made by Barbara Healey and seconded by Nelson Disco.

The Board voted 4-0-0 to grant the waiver from the requirement of an illumination plan on a motion made by Nelson Disco and seconded by Barbara Healey.

Public Comment

David Reinke (12 Christina Road) spoke favorably about the Hospice House but asked if a section of walkway beyond their fence could be paved because when it is plowed during the winter months, the dirt mixes with the snow and it becomes a mess. Discussion ensued as to who owns the piece of land in question and the general consensus was that it was Town right-of-way. The recommendation from the Board was that the applicant speak to Public Works about paving it for the abutter but they were not going to make it a condition of approval since they are not obligated to maintain it as it is not their land.

Mr. Disco asked if the Fire Department has provided feedback on this plan and Ms. Wolfe responded that staff has not received feedback from the Fire Department yet but there is a condition of approval that indicates the applicant shall address any applicable Fire Department comments. Mr. Disco then asked for clarity on the number of beds being added and how that would impact the staff numbers as well as whether or not the kitchen was going to need to be expanded. Ms. Lafrance confirmed that the addition will result in six additional beds and approximately three new staff members. She also explained that the existing kitchen is sufficient because they have found that many of their patients do not eat.

Councilor Healey asked if they are proposing piped in oxygen or if they will be using tanks and Ms. Lafrance responded that they are using piped in oxygen. Councilor Healey expressed concerns that it is not called out on the plan because the Fire Department may have questions/concerns.

The Board voted 4-0-0 to grant conditional final approval on a motion made by Nelson Disco and seconded by Brian Dano. 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 address the comments from the town's peer review consultant, Fuss & O'Neill, as applicable.
5. The applicant shall address the following comments from the Public Works Department and Wastewater Division, as applicable:
 - a. Sheet C-7 Note 7 shall also state: The engineering design, construction and testing of the sewer line shall conform to the Town of Merrimack Sewer Use Ordinance currently adopted, Chapter 158 of the Town of Merrimack Code and the Town of Merrimack Department of Public Works – Wastewater Treatment Facility – Sanitary Sewerage Engineering Standards (SSES) as last revised. Also the State of New Hampshire Department of Environmental Services (NHDES) Standards for Design and Construction of Sewerage and Wastewater Treatment Facilities, Env-Wq 700, latest revision.
 - b. A note shall be added to C-7 that A Preconstruction conference shall be held on all projects by the Town of Merrimack Community Development Department, at least fifteen (15) days prior to any construction work being performed. No construction will be allowed to start until this requirement is met. Contractor shall have all permits and requirements in place prior to meeting. Contractor should bring copies of all permits, etc., to meeting. All utilities involved should be represented at meeting. Also, contractor, developer, and site superintendent should attend.
 - c. The existing main line between manholes 1945 and SMH 2552 in (Christina Road) shall be videoed to assure the condition of the pipe is still in good working condition 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.
 - d. The Laterals from buildings to SMH 1945 shall be 6" PVC per SSES S3-07 at a 2% slope. A note shall be added that the trenches shall be compacted prior to testing of

sewerage lines for acceptance. The laterals shall be tested for acceptance at the same time the main sewerage line is tested. The minimum coverage over sewerage pipe shall be six feet in road and four feet cross-country.

- e. Add a note on Sheet C-7, and adjust the elevations so that all manholes in unpaved areas shall include a concrete seal around adjusting rings per Standard Detail and shall be a minimum of 6" above the finished grade.
- f. Add a note on Sheet C-7, that it shall be the contractor's responsibility to ensure that no conflicts exist between sanitary sewer lines and proposed or existing utilities prior to construction.
- g. Add a note on Sheet C-7, before commencement of trenching, the Contractor shall provide appropriate sediment control in downhill storm drain inlets and catch basins that will receive runoff from the project site. The Contractor shall periodically inspect the condition of all controls and replace as necessary. For all construction downhill basins and inlets must be protected with catch basin inserts. Simply placing filter fabric under the grate is not acceptable.
- h. Add a note on Sheet C-7, Lateral sewer demolition shall be performed prior to removal of building foundation. The lateral sewer for each building shall be excavated and removed from the house connection to the edge of the public right-of-way, or property line. The Contractor shall cap the end of the lateral sewer to remain in place. Lateral sewer demolition shall be performed in the presence of the Town of Merrimack Sewer Inspector.
- i. The frame and cover for SMH 1945 shall be changed to a Sewer Manhole frame and cover. This manhole will need to be tested since it is being altered. Please note that all testing shall be done in the presence of the Town of Merrimack Sewer Inspector.
- j. The new patient care addition unit does not show any sewer service leaving that section of the building, please clarify.
- k. A backwater valve shall be provided per section SSES S4-12. A detail shall be provided on the plans, the location shall be noted and shown as 2 feet off of the building. Construction shall be per section SSES S5-19. There shall be access to the unit from the surface along with a cap at or above grade.
- l. 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).
- m. Under section SSES S3-02.2 the design engineer shall submit demand projection calculations for the sanitary sewerage system connection in Christina Street for both the existing and proposed conditions as required.

- n. The location of the existing lateral line towards the support area of the building needs to be shown on the plans. It shall be changed to a 6 inch PVC line at a minimum of 2% grade.
 - o. A Grease Interceptor shall be provided for the kitchen 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 and the Appendix details in the back of the book.
 - p. A note shall be added to the plans that all Sewer construction, inspections, testing, quality control shall conform to the methods and requirements under SSES S5. The Pre-Treatment Manager and the Health Officer shall both have unlimited access to the Grease Interceptor and the Sewer Manhole for testing and compliance standards.
 - q. Storm Drain System: Drainage calculations were not supplied or reviewed no additional drainage can leave the site than it does presently. There are concerns with the existing flooding on Christina Road. Drainage shall be directed away from Christina Road to the maximum extent possible.
 - r. The following notes shall be added:
 - i. The proposed work is subject to section 167, Stormwater Management Standards, adopted by the Town of Merrimack, July 2011. Maintenance of the Drainage System is private and shall remain private. This shall run with the lot and be transferred with the property.
 - ii. After the Certificate of Occupancy is given the owner shall provide a report as outlined in their Operations and Maintenance Plan to Community Development once a year on or before June 30th. This requirement shall be continued even if the property is transferred and noted as a requirement in the deed.
 - iii. A Pre-Construction and a Post-Construction meeting shall be held in accordance with Section 167.
6. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable.
7. The applicant shall address the following Planning Staff Technical Comments:
- a. Make the following changes to the Cover Sheet:
 - i. Change “Planning/Zoning Department” to “Community Development Department.”
 - ii. Change contact information for potable water to Merrimack Village District.
 - b. Make the following changes to the Existing Conditions Plan:

- i. Add an owner's signature block.
 - ii. Change sheet numbering so that it's in numerical order with the other sheets in the plan set.
 - iii. Add zoning information to abutter information labels.
 - iv. Add land uses to abutter information labels.
- c. Make the following changes to the Overall Site Layout Plan:
 - i. Amend note #2 to mention the R-4 (Residential) and Aquifer Conservation Districts.
 - ii. Amend note #4 to list Merrimack Village District as the water provider;
 - iii. Move professional engineer stamp so that it does not cover the notes section. This change will also need to be made on other sheets as well.
- d. Section 4.16 – Applicant has not provided an illumination plan. Add an illumination plan to the main plan set or request a waiver;
- e. Landscape Plan – add note per Section 3.09.c.8.
- f. Sheets P1, P2 & P3 (floor plans) should be removed from the plan set.

The following general and subsequent condition are also placed on the approval:

- 3. 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.
- 4. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant.
- 5. 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 the final Certificate of Occupancy (This would only be applicable if additional site improvements such as fire access around building or significant modifications of the parking area are required by the Board).
- 6. 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).
- 7. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).

7. 526 DW, LLC (applicant/owner) – Review for consideration of an amendment to a previously approved Site Plan regarding changes to the paving of the emergency access lane, the installation of bollards, directional arrows on the pavement and landscaping. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation & Elderly Housing Overlay Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. PB2022-21.

Eric Mitchell (Eric C. Mitchell & Associates, LLC) and Charles Morgan (Vault Motor Storage) presented the application to the Board. Mr. Mitchell began by providing a brief history of the project and what has been completed. He then turned his attention to the items from the original plan that the applicant is wishing to amend.

The items that the applicant is seeking to change are as follows:

1. Using reclaimed asphalt instead of hard asphalt for the Fire access around the building;
2. Removing bollards that were shown on the plan;
3. Paving a section of the parking lot that was supposed to be landscaped; and
4. Not including directional striping in the parking lot.

Mr. Mitchell mentioned that staff was concerned with item #3 because it increases the impervious surface area of the lot but argued that now that the fire access lane is not being paved, the increase is not as severe. He also stated that they would be happy to provide a letter to staff indicating that the additional pavement will not result in an increase in run-off.

Ms. Wolfe acknowledged that staff would require a stamped letter from a NH registered professional engineer regarding the increase in impervious surface and the capability of the existing stormwater management system to accommodate the increase in runoff.

Mr. Disco reviewed the Public Works Department review comments to ensure that the applicant did not have any issues with completing the items outlined and he did not. He then asked if there was going to be a fence in place of the proposed bollards and Mr. Mitchell confirmed that there would not be anything in place of the bollards to protect the building. When asked why they felt that the bollards were not needed, Mr. Morgan replied that he has operated the site for over 10 years without an incident and that he does not want the building to look industrial. Councilor Healey questioned this decision because there was a previous incident in which an Amazon truck backed into a gas main at this location. Mr. Morgan contended that the risk is on him and if the building is damaged he will have to fix it. He also confirmed that there are not any utilities in the area that the bollards were being proposed. Mr. Morgan added that the building was constructed with steel beams so it would be difficult for someone to damage the infrastructure of the building itself.

The Board voted 4-0-0 to accept the application as complete on a motion made by Nelson Disco and seconded by Brian Dano.

The Board voted 4-0-0 to grant the waiver of full site plan review on a motion made by Nelson Disco and seconded by Brian Dano.

Public Comment

James Bailey (9 Greenfield Drive) praised Mr. Morgan for transforming the site from its unkempt state to what it looks like today. He also added that if the Building Department has no concerns with the reclaimed asphalt being used then we should trust their judgement.

John Paul (3 Sunnydale Drive) agreed with Mr. Bailey's comments that Mr. Morgan has done a great job transforming the building.

Patricia Banning (19 Abenaki Circle) thanked Mr. Morgan for constructing the sidewalk because she walks along DW Highway every day and appreciates that she has a safe place to walk.

The Board voted 4-0-0 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 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, as applicable.
3. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel.
4. 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.
5. The applicant shall address any forthcoming comments from the Fire Department, as applicable.
6. The applicant shall address any forthcoming comments from the Public Works Department & Wastewater Division, as applicable.
 - a. The sidewalk markings across both of the driveways needs to be completed. Contact the Highway Division for the proper configuration.
 - b. The drain line coming from CB 7 into the existing Catch Basin on Daniel Webster Highway needs to be removed. The line now continues along the building and is totally self-contained within the lot. This was approved by DPW.
 - c. The granite curbing at both entrances was removed at the request of DPW.
 - d. The swale directing the drainage from DWH into the catch basin needs to be shown enlarged as agreed so that the drainage can get to the basin.
7. The applicant shall address the following Planning Staff technical comments:
 - a. Applicant shall more clearly identify/label the grassed area proposed to be replaced by asphalt in the southwesterly corner of the building.
8. The applicant shall provide a letter stamped by a registered professional engineer certifying that the existing drainage system can handle the slight increase in runoff being generated by the additional impervious surface.

The following general and subsequent condition are also placed on the approval:

1. 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).
2. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).
3. All General and Subsequent conditions placed on the original site plan approval (signed by the Planning Board on February 4, 2020) and as subsequently amended shall continue to be in place with this amended site plan approval, as applicable.

8. Discussion/possible action regarding other items of concern

Ms. Wolfe advised the Board that the annual meeting with Town Council to provide an update of projects that the Planning Board has heard is next Thursday (5/26) and asked the Board to contact Chairman Best if they have any questions and/or comments. Vice Chair McLaughlin indicated that he is planning on attending as well in case Chairman Best is unavailable.

9. Approval of Minutes — May 3, 2022

The Board voted 4-0-0 to approve the minutes of May 3, 2022, as submitted, on a motion made by Brian Dano and seconded by Barbara Healey.

10. Adjourn

The Board voted 4-0-0 to adjourn at 8:37 p.m. on a motion made by Barbara Healey and seconded by Nelson Disco.