



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MAY 21, 2019

Planning Board members present: Robert Best, Alastair Millns, Alternate Town Council Representative Tom Koenig, Dan Ricker, and Alternate Nelson Disco

Planning Board members absent: Lynn Christensen, Neil Anketell and Town Council Representative Bill Boyd.

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 pm. and designated Nelson Disco to sit for the vacant full member position.

2. Planning & Zoning Administrator's Report

None

- 3. Merrimack Parcel A, LLC. (applicant/owner)** – Continued review of an amendment to the previously approved mixed use site plan for Phase I of the "Merrimack Park Place" project, proposing an additional 32 multi-family residential units and a modification of 17,000 square feet of specialty retail and restaurant space into a subsequent phase. The parcel is located at 10 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191-02. Case #PB2019-06. **This item is continued from the February 19, March 19, and April 16, 2019 meetings. This item has been withdrawn by the applicant.**

Withdrawn

- 4. John Flatley Company (applicant) and Gilbert Crossing, LLC (owner)** – Continued review for acceptance and consideration of an amendment to a previously approved site plan to include security gates and cameras at the entrance to the Gilbert Crossing multi-family development. The parcel is located at 3 Gilbert Drive in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lot 003-07. Case # PB2019-13. **This item is continued from the May 7, 2019 meeting.**

Robert Best recused himself from discussing and voting on this agenda item; Alastair Millns assumed the chair.

Kevin Walker, Project Manager, John Flatley Company, wants to install security gates and cameras at the entrance road to the apartments. There would be stacking space

for 4-5 cars between the inbound gate and D.W. Highway and room for two cars going out. Gates would be automatic and triggered by weight and would stay open until all cars go through. Operated on a timer, they propose that the gates would be in the open position from 10:00 a.m-7:00 p.m. The gates would be in the lowered position at night. Cameras would be triggered by a vehicle impacting the pad. They would photograph the license plates of inbound and outbound cars day and night. Neither the Fire nor Police Departments have issues with the proposal.

Alastair Millns questioned how the gate would provide security if it were open all day. Kevin Walker explained that four Flatley leasing personnel would be in their office on site during the day. Flatley is considering using the cameras during the day as well as at night. Cars must stop at the gate at night as the camera records them.

Nelson Disco countered that cars could be photographed without a gate. He did not want this to be a gated community. The Conditional Use Permit (CUP) is designed to create an integrated community. Gates would separate the residential component. Kevin Walker stated that the intent was always to deter travelers from coming through the residential area to reach the business area. They have other entrances. This would be an added security measure for the apartments. There have been internal discussions about proposing another gate and camera system at the future access road. All other entrances on D.W. Highway would be wide open.

Dan Ricker opined that this would be the only gated community in Merrimack. He asked how long the images would be retained. Kevin Walker said the gate would add value to the property. Images would be retained for one week. Renters would be told about the cameras. The arrangement works well at Flatley's development in Quincy, MA. There would be an invisible sensor under the pavement. The gates would be white with either red or green stripes. There would be no sign and no additional lights.

Although he understands the need for more security, Tom Koenig opined that this borders on violating the CUP concept. Utilizing a gate may not be consistent with the objective of CUP mixed-use connectivity when future phases are constructed. The good points are that there is no buzzer or guest pass; the gate would not go down if a car was on the trigger, and it would not sense pedestrians or bicycles.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 3-1-0 to accept the application for review, on a motion made by Nelson Disco and seconded by Tom Koenig. Dan Ricker voted in opposition.

Public comment

Rick Foote, 129 Indian Rock Road, said morning traffic on D.W. Highway is "abysmal" and asked how residents would be able to exit when the apartments are full. He predicted the situation will deteriorate, especially on the southbound turn lane. Alastair Millns cited the traffic study that determined the development would not affect traffic, due to proposed modifications on D.W. Highway and other measures. Alastair Millns,

Nelson Disco and Tom Koenig agreed that gates would not contribute to the traffic problem, which is not relevant.

Tom Koenig said that, since there is enough stacking room and that the proposal meets the CUP and zoning ordinance, there is no reason to deny the amendment. Alastair Millns and Dan Ricker disagreed that the proposal complies with the CUP. Dan Ricker opposed the potential of a second gate. Alastair Millns was concerned about connectivity. Tom Koenig countered that keeping the gate open all day is connectivity. Kevin Walker stated that there would be complete connectivity. The gate is to protect residents.

Kevin Walker agreed to keep the gate open 6:00 a.m.-7:00 p.m. and add a “cameras in use” sign.

A motion to grant conditional final approval failed, 2-2-0, on a motion made by Tom Koenig and seconded by Nelson Disco. Alastair Millns and Dan Ricker voted in opposition.

A motion to deny the application failed, 2-2-0, on a motion made by Dan Ricker and seconded by Nelson Disco. Tom Koenig and Nelson Disco voted in opposition.

Alastair Millns wanted to see a more detailed write-up and to have more voting members present to consider the amendment.

The Board voted 4-0-0 to continue this agenda item to June 4, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Tom Koenig and seconded by Nelson Disco.

- 5. Merrimack Office Properties, LLC (applicant/owner) -** Review for acceptance and consideration of a waiver of full site plan review to add a 420 square foot building entrance and expanded parking area. The parcel is located at 11 Continental Blvd in the I-1 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3D, Lot 003. Case #PB2019-15.

Alastair Millns relinquished the chair; Robert Best assumed the chair.

Tom Zajac, Senior Engineer, Hayner/Swanson, Inc., said the 7.5 acre site contains an existing two-story, 71,095 square foot industrial building along with associated parking and driveways. Although the building is 85% filled, it contains approximately 12,000 square feet of vacant space on the second floor because there is no prominent building entrance with nearby parking. The applicant seeks to construct a 420 square foot building entrance addition on the northerly side of the existing building along with six parking spaces, new sidewalk and curbing. The existing stairwell would access the second floor. There would be no change in use and no lighting change, just access to the second story. The overall project would disturb approximately 8,250 square feet of contiguous area or 2.5% of the overall site. Given the size of the development, the slight increase in impervious area would have a negligible effect on the downstream drainage condition. The Planning Board agreed that the slight increase in impervious surface does not warrant completion of a drainage analysis.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

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

Alastair Millns cited the criterion that specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

The Board voted 5-0-0 to waive full site plan review, on a motion made by Alastair Millns and seconded by Nelson Disco.

There was no public comment.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 5-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Nelson Disco.

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 Fire Department, as applicable;
7. The applicant shall address any forthcoming comments from the Public Works Department, as applicable;
8. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
9. The applicant shall address the following staff technical comments:
 - a. On sheet 3, please change water contact to Merrimack Village District instead of Pennichuck Water Works.

Staff also recommends that the following general and subsequent conditions 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 forthcoming comments from the Fire Department, as applicable;
3. The applicant shall address any forthcoming comments from the Building Department, as applicable;

- 6. Petroleum Marketing Group, Inc. (applicant) & Blue Hills Fuels, LLC (owner) -** Conceptual discussion of a potential site plan to raze and re-build an existing gas station/convenience store. The parcel is located at 1 Continental Boulevard in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D, Lot 054-01. Case #PB2019-16.

At the applicant's request, this agenda item was tabled until June 18, 2019.

7. Discussion/possible action regarding other items of concern

- **Synergy Self Storage, LLC. (applicant/owner) -** Extension request

The applicant is asking for an extension of their conditional approval due to ongoing delays in the NH Department of Environmental Services (DES) Alteration of Terrain permit process.

The Board voted 5-0-0 to grant a six-month extension, on a motion made by Alastair Millns and seconded by Tom Koenig.

- **Vault Storage Site Plan -** Extension request

The Board voted 5-0-0 to grant a six-month extension, on a motion made by Alastair Millns and seconded by Tom Koenig.

8. Approval of Minutes - May 7, 2019

The minutes of May 7, 2019, were approved as submitted, by a vote of 3-0-2, on a motion made by Alastair Millns and seconded by Nelson Disco. Tom Koenig and Dan Ricker abstained.

9. Adjourn

The meeting was adjourned at 8:12 p.m., by a vote of 5-0-0, on a motion made by Alastair Millns and seconded by Dan Ricker.