



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

## MERRIMACK PLANNING BOARD

### MINUTES

**TUESDAY, FEBRUARY 18, 2014**

Planning Board members present: Robert Best, Alastair Millns, Lynn Christensen (arrived 7:41 p.m.) and Desirea Falt.

Planning Board members absent: Tom Koenig, Michael Redding, Stanley Bonislowski, and Alternates Nelson Disco and Matthew Passalacqua.

Community Development staff: Community Development Director Tim Thompson and Assistant Planner Donna Pohli.

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

Chairman Best called the meeting to order at 7:35 p.m.

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

Tim Thompson announced that Planning and Zoning Administrator Nancy Larson has accepted a position as City Planner for the City of Concord effective March 10, 2014. Her last Planning Board meeting will be March 4, 2014, and her last day in Merrimack will be March 5, 2014. Tim Thompson said it is a great professional move for Nancy Larson, who will be sorely missed. The Merrimack position will be advertised. Chairman Best echoed Tim Thompson, adding that the Board will miss her talents and skills and ability to help them understand matters.

- 4. Bowers Landing of Merrimack, LLC. (applicant/owner)** – Pre-submission Hearing to discuss a proposal to amend Phase III of Harris Pond P.U.D., constructing 50 single-family units rather than townhouse units located at Bowers Landing Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 1D, Lot 001-03.

This item was discussed before item #3.

Tim Thompson said the plan that was originally approved was for 48 town house-style condominiums; the revised plan incorporates staff recommendations and proposes 50 single-family detached residential condominium units in smaller neighborhood pods as well as a clubhouse.

Matthew Peterson, Hillside Design Group, said the plan is similar to that of Parker Village, with 50-52 single-family detached homes and yards in this phase. The exact density is not yet known. Rather than a circular/loop road, three cul-de-sacs are planned with a mix of town houses and garden-style units in three neighborhoods to provide access to the new units with some open space along the perimeter of the new construction.

Chairman Best asked about fire access, the length of the roads, and hydrants. He would approve the length of the road if there were hydrants. Matt Peterson showed where the road would go. Each cul-de-sac road would not exceed the maximum allowed length of 1,200'.

Alastair Millns noted that the clubhouse is smaller and the number of parking spaces (10) represents half the number the Board originally approved. Matt Peterson said he would bring a final rendering to the Board. Chairman Best wanted information about clubhouse use and the number of parking spaces around it. Matt Peterson said there is one clubhouse in Phase 1. Alastair Millns said this one should be larger if it is meant for the entire development. Noting that clubhouses are amenities, Chairman Best suggested the applicant bring information about how the pool and clubhouse are used and why the clubhouse would be built last. Alastair Millns stated that this is a much nicer version of the project.

Chairman Best asked about the timing of the four parts of Phase 3. Matt Peterson said he wants to be in the ground in September 2014. He plans one phase a year, the first being 3A. The drainage is not finalized.

Tim Thompson noted that there must be adequate turn-around during the phases of construction and added that this is easier to phase than a loop road.

Chairman Best cautioned that early owners should know that something would be built next to them.

Matt Peterson said the roads would be private roads rather than town roads. There will be a homeowners association.

Tim Thompson said the applicant would have to appear before the Merrimack Conservation Commission (MCC). Chairman Best informed the applicant that pairing the NH DES program with Green SnowPro certification eliminates all liability for falls and injuries on the property. He asked where snow would be stored, which Matt Peterson replied would be in the middle of the cul-de-sacs.

Chairman Best asked whether there would be walkways for residents to walk through the community. Matt Peterson replied that most people in small developments walk on the roads, which are approximately 24' wide. The nearest store is ½ mile away. There is a sidewalk on the main road of the development.

Alastair Millns suggested asking the School Department about the location for school bus pick-ups, which Matt Peterson said is now at the corner of Manchester Street. Chairman Best did not want children to wait for the bus in the street.

Chairman Best complimented the design of this phase. Matt Peterson said there would be a variety of residential options when all phases are completed. All would have two bedrooms. Lynn Christensen encouraged phasing in this economy.

Owner Robert Folsom said that, because there would be only two-bedroom units, there would probably be older residents and few children.

**3. G. Nasr Realty, LLC. (applicant/owner) – Review for acceptance and consideration of final approval of an application for a site plan proposing to construct a 530 s.f. donut shop addition with a drive-thru and related parking at 715 Daniel Webster**

Highway. The parcel is located in the C-2 (General Commercial) District. Tax Map 7E, Lot 054-01.

This item was discussed after item #4.

Steven Keach, Keach-Nordstrom Associates, Inc., said the 0.806-acre lot has been an EZ Stop since 2011. The applicant proposes to add 530 square feet between two areas of the building to accommodate a donut shop as well as to add nine parking spaces and remove seven (a net increase of two) to allow room for the proposed drive-thru lane to flow in back of the store. There will be three employee parking spaces and one handicapped space. The dumpster pad will be relocated and screened. A landscape plan has been created.

**The Board voted 4-0-0 to accept the application for review, on a motion made by Lynn Christensen and seconded by Alastair Millns.**

Steve Keach cited the criterion of specific circumstances relative to the site plan or conditions of the land to support his request for a waiver to permit eight stacking spaces rather than the minimum requirement of 10. There will be no crossover or nuisance. Eight spaces are more than adequate, since the donut shop is a secondary rather than a primary use. There will never be eight vehicles simultaneously. There is one employee in attendance during hours of operation and the donut shop proposes two additional employees. The 1996 plan did not envision a 12'-wide drive-thru. Tim Thompson explained that the stacking requirement is for a restaurant as a primary use for the site; the donut shop will be a secondary use to the gas station. Lynn Christensen noted that, at some locations, a three-point turn is necessary to exit. Steve Keach said the future curb would be skewed for that reason. Tim Thompson noted that NH Department of Transportation (DOT) controls this section of Route 3, so the Planning Board is limited in requiring a sidewalk. Chairman Best cited the criterion that strict conformity would pose an unnecessary hardship to the applicant to support a sidewalk waiver.

**The Board voted 4-0-0 to waive the requirements of Section 7.03(C)(1) – Restaurant Drive-Thru Windows – and Section 7.05.D.19 - Submission Requirements-Paved Pedestrian Way or Sidewalk - of the Site Plan Regulations – on a motion made by Alastair Millns and seconded by Desirea Falt.**

There was no public comment.

Chairman Best asked about where the 750 square foot rental space would be. Steve Keach said that would be the location of the donut shop counter; there will be no seating. 750 square feet is the increase in impervious surface. Tim Thompson added that CLD's comments are expected tomorrow.

Chairman Best suggested adding a striped walkway from the handicapped space to the building as a condition of approval.

Owner Jack Nasr explained about the sign and stated that there would be little truck traffic.

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

**The Board voted 4-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. 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) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
3. The applicant shall obtain an Equitable Waiver from the Zoning Board of Adjustment, and note such approval on the final plan;
4. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
5. Any signage changes must comply with the sign regulations (Section 17 of the Zoning Ordinance and if illuminated, Section 11.10 of the Subdivision Regulations) and be properly permitted by the Building Department;
6. The applicant shall address any forthcoming comments from the Fire Department, Building Department, and Public Works Department as applicable;
7. The applicant shall address all forthcoming comments from the Town's peer-review consultant, CLD;
8. Applicant to add a striped crosswalk from ADA compliant parking spaces to convenience store entrance to Staff's satisfaction;
9. Address the following planning staff technical comments:
  - a. Also note on the Landscaping and Lighting Plan where the "Employee Parking Only" sign(s) will be placed;
  - b. Revise the parking calculations on Sheet 3 of 7 to state: "858 s.f. of warehouse/storage (1 space), 42 s.f. of office (1 space), 1,690 s.f. of convenience store (8.45 spaces), 3 employees for gas station (3 spaces) totaling 13.45 rounded to 14 spaces required, 14 provided (including 1 ADA space)";
  - c. Add architectural renderings noting materials, colors, and roof height, to the plan set and number the pages accordingly.

**The following general and subsequent condition is placed on the approval:**

1. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) detailing site improvements to the Community Development Department prior to the issuance of a Certificate of Occupancy.

## **5. Discussion with Nashua Regional Planning Commission**

This agenda item was postponed to March 18, 2014.

## **6. Discussion regarding implementation of the 2013 Master Plan (Sidewalk/Pedestrian Plan)**

Tim Thompson said that he, Alastair Millns and Robert Best discussed how to proceed about sidewalks in view of the November 22, 2013, DOT letter, which makes it more of a priority as the first Master Plan item to tackle. The Board agreed to staff's recommendation to establish a sub-committee of three Planning Board members and Community Development and Public Works staff to begin the work of putting together a Sidewalk and Pedestrian Master Plan. Initially the sub-committee would work on developing a scope of the project and a series of issues and questions that can be posed to Town's Legal Counsel before starting work on developing the plan. Robert Best, Nelson Disco and Alastair Millns volunteered to serve on the sub-committee. The proposal will be discussed again at the March 4, 2014, meeting.

Alastair Millns noted that the State gave Bedford a \$30,000 Housing Finance Planning Grant to complete a pedestrian/bicycle master plan. He distributed an article about which streets Hollis does/not shovel. Chairman Best noted that Hollis and Merrimack disagree about whether to maintain/fund sidewalks. He informed the Board that the Supreme Court stated that residents could not be required to clear sidewalks (but neglected to mention whether towns should). Merrimack has increased its efforts to clear sidewalks.

## **7. Discussion regarding potential Zoning Ordinance Amendments related to self-storage facilities.**

Tim Thompson explained that, at its December 18, 2013, meeting, the Zoning Board of Adjustment (ZBA) determined that self-storage facilities are to be classified as "personal service" rather than "warehouse" uses. As a result, all other existing self-storage facilities previously approved by the Planning Board as "warehouse" uses in the I-1 District are now considered non-conforming. The decision also opens up commercially zoned areas that are likely not best suited for self-storage uses, particularly from an economic development or tax base perspective. The Board agreed to staff's recommendation to consider developing amendments to the Zoning Ordinance to remedy the situation by adding a definition of "self-storage" facilities and adding it to the permitted use listings for the Industrial District. It also recommended requiring a conditional use permit as an extra level of Planning Board scrutiny rather than a Special Exception under the purview of the ZBA. Tim Thompson will draft language for a workshop in 1-2 months, followed by a public hearing and recommendation to Town Council.

## **8. Discussion/possible action regarding other items of concern**

None.

## **9. Approval of Minutes – January 28, 2014.**

The minutes of January 28, 2014, were approved, with one change, by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.

## **10. Adjourn.**

**The meeting adjourned at 9:05 p.m., by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.**