



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

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, JULY 24, 2012

Planning Board members present: Robert Best, Alastair Millns, John Segedy, Tom Koenig, Lynn Christensen, Desirea Falt, and Alternates Stanley Bonislowski and Pete Gagnon (arrived 7:35 p.m.)

Planning Board members absent: Michael Redding.

Community Development staff: Assistant Planner Jeff Morrisette and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Stanley Bonislowski to sit for Michael Redding.

2. Announcements

Chairman Best announced the meetings of the Planning Board and Master Plan Steering Committee on August 7, 2012, and July 31, 2012, respectively.

3. Planning & Zoning Administrator's Report

None.

4. Synergy Self Storage, LLC (Applicant) & Christopher Ross, LLC (Owner)

– Discussion and possible action regarding a request for an extension of six-month limit for compliance with conditions of final site plan approval granted by the Planning Board on January 3, 2012 to permit construction of a 5-story, 144,000 s.f. self-storage facility for the property located at 401 Daniel Webster Highway. Tax Map 4D-3, Lot 083.

Pete Gagnon arrived at 7:35 p.m.

Applicant was represented by: Chris Ross, 401 Daniel Webster Highway.

The Board voted 7-0-0 to extend the six-month limit for compliance, on a motion made by Tom Koenig and seconded by Alastair Millns.

- #### **5. Christopher Ross, LLC (Applicant/Owner) – Review for Acceptance and consideration of Final Approval of an application proposing a subdivision of one lot into two lots.**
- The parcel is located within the C-1 (Limited Commercial), I-1 (Industrial), Aquifer Conservation and Elderly Overlay Districts. A portion of the parcel is subject to the Flood Hazard Conservation District. The property is located at 401 Daniel Webster Highway. Tax Map 4D-3, Lot 083. **This agenda item is postponed from the July 10, 2012 meeting.**

Jeff Morrisette said the application was postponed because the proposed lot line would have created a zoning violation. The line was moved 10' closer to the existing building to avoid a sideline setback violation. The plan was not revised in time for staff to update its original memo. It recommends adding Condition of Approval #9.

Chris Ross, 401 Daniel Webster Highway, said he originally had two lots. A voluntary merger was filed with the Town. A new bank is financing the new project. It is working with the federal government, which does not like consolidated lots and said he must create a new lot/subdivision. The layout of the two proposed lots will be slightly different from the original proposal. Each building will be on a separate lot.

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 7-0-0 to accept the application for review, on a motion made by John Segedy and seconded by Lynn Christensen.

Jeff Morrisette said staff supports allowing the Planning Board to use its discretion by calling the proposal a minor subdivision, so the applicant does not have to meet the waiver criteria. Staff says the proposal meets the intent of the regulations.

Desirea Falt asked whether the drainage easement is an issue. Chris Ross said it was proposed for another building. Attorney Greg Michael determined that the easement has nothing to do with this property. Chris Ross let the Town have the easement, which does not affect his plan. Jeff Morrisette referred to Condition #8. Tom Koenig said the proposal meets the criteria of unnecessary hardship and carrying out the intent of the regulation.

The Board voted 7-0-0 to accept the parcel as a minor subdivision, on a motion made by Tom Koenig and seconded by John Segedy.

There was no public comment.

Staff recommends that the Board grant final approval to the subdivision application with conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Desirea Falt.

1. Any waiver(s) granted by the Board to be described on the final recordable plan sheet;
2. The owner(s) shall sign and date all applicable plan sheets. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal all applicable plan sheets. Wetlands Certification statement describing methods of delineation also to be added to the plan sheets;
3. The applicant is responsible for all fees (including \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) associated with recording the plan and any easement documents at the Hillsborough Registry of Deeds;

4. Sheet 1 of 2 to be revised to comply with Registry standards for recording purposes, including font size(s);
5. A note to be added to the recordable sheet indicating approval by the Board as a Minor Subdivision, in which case the plans would need to be revised to include all required information, unless granted waiver(s) by the Board;
6. The Book/Page number for the existing Slope and Landscape Easement shown on abutting lot 4D-3 Lot 084, to be noted on all applicable plan sheets;
7. The Drainage Easement noted on Map 4D-3 Lot 084-1 to be clearly labeled as existing or proposed. If existing, the Book/Page number and benefiting party (grantee) to be noted. If Drainage Easement is proposed, the plan to be revised accordingly and benefiting party (grantee) to be noted;
8. Draft language for all proposed easements to be submitted for review and approval. Any easement(s) deemed necessary to be reviewed by legal counsel, said legal review to be performed at the applicant's expense. Upon approval, final executed easement document(s) to be submitted to Community Development for recording at the Registry of Deeds;
9. Community Development to determine that proposed lot line will create no zoning violation;
10. Address the Planning Staff Technical Comments (see below).

Planning Staff Technical Comments

1. Add the Book/Page number for the recently recorded voluntary lot merger to the Plan Reference;
2. Plans to be revised to graphically depict and note the front, side, and rear yard setbacks required for proposed Map 4D-3 Lot 083 and correct Note #3 that suggests that a rear yard setback for said proposed lot does not apply. (Setback requirements must be applied to each proposed lot based upon the proposed subdivision plan, not the existing condition as a single parcel with frontage along DW Highway and Wright Avenue.) Remove the language in Note #3 with the double asterisk referencing the definition of "Lot Line - Rear", since this no longer applies;
3. Plans to be revised to graphically depict and note the 30 ft. rear yard and 20 ft. side yard setback required for proposed Map 4D-3 Lot 084-1 (side yard setback not shown along property boundary adjacent to Map 4D-3 Lot 083) and correct Note #3 that suggests that a rear yard setback for said proposed lot does not apply. (Setback requirements must be applied to each proposed lot based upon the proposed subdivision plan, not the existing condition as a single parcel with frontage along DW Highway and Wright Avenue.) Remove the language in Note #3 with the double asterisk referencing the definition of "Lot Line - Rear", since this no longer applies;
4. The street address for each proposed parcel to be added to the recordable plan sheet;

5. All parcel i.d. numbers to comply with the Assessing Department's current standards for notation (i.e., Map 4D-3 Lot 083 and Map 4D-3 Lot 084-1 or 4D-3/083 and 4D-3/084-1;
6. The Certification for the Licensed Land Surveyor provided on Sheet 1 of 2 to be revised to comply with Section 4.06.1 of the Subdivision Regulations requiring a maximum error of closure of 1 in 10,000 for the boundary survey;
7. Sheet 2 of 2 to be re-titled to distinguish it from Sheet 1. (Staff suggests re-titling Sheet 2 as "Existing Conditions Plan" or "Topographic Plan".);
8. Unless the applicant is prepared to record the proposed sidewalk easement (a condition of approval for the self storage facility) along the DW Highway frontage as a condition of approval for the subdivision plan, Staff suggests that this note and graphic depiction be removed from the plan;
9. Pursuant to Section 4.05 of the Subdivision Regulations, show full extent of existing right-of-way of DW Highway;
10. Pursuant to Section 4.06.1 of the Subdivision Regulations, the following information to be revised and/or added to the plan set, as appropriate:
 - a) Provide metes and bounds description for all existing and proposed easements within the subdivision (Section 4.06.1(b));
 - b) Proposed monuments to be set shall be described and labeled (Section 4.06.1(i));
 - c) Subdivision plan statement to be added to the recordable sheet (Section 4.06.1 (k)).
11. Consolidate the two Legends, removing any duplicate information, and check the consistency of labels for existing and proposed boundary monumentation (e.g., the label for Iron Pipe Found along the eastern property boundary is labeled as "I.PI.(F)", which is consistent with the "Site Legend" but inconsistent with the "Legend";
12. Add "E.O.P." and "Edge of Pavement" to the final legend;
13. Consistent with the recommendation made for the self-storage facility Staff recommends that the monitoring wells be noted as "Former Locations", since the applicant had previously explained to Staff that those wells were removed many years ago. The applicant wishes to show their former locations to enhance safety during the excavation for the self-storage facility, in the event that piping associated with the wells is still in place;
14. Add a note to the recordable plan stating that any non-industrial building for the parcel zoned I-1 Industrial (proposed Map 4D-3 Lot 084-1) will likely require a variance due to inadequate road frontage, based upon current dimensional, requirements;
15. Elderly Overlay District to be added to either Note #3 or Note #4 on Sheets 1 of 2 and 2 of 2;
16. Correct typographical errors on both plan sheets ("Legend" and "Approximate") and remove the errant "1" before "Merrimack" in the address for abutter Map 4D-

2 Lot 001. Also review and confirm the accuracy of the labeling of that section of highway shown on the Locus Plan as “NH Route 293”.

- 6. PSNH (Applicant/Owner) & Kalika, LLC (Owner) – Review for Acceptance and consideration of Final Approval of an application for a proposed Lot Line Adjustment.** The parcels are located easterly of Star Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Portions of the parcels are subject to the Flood Hazard Conservation District. Tax Map 3D-1, Lots 004-1 & 005. **This agenda item is postponed from the July 10, 2012 meeting.**

Tony Basso, Vice President/Licensed Land Surveyor, Keach-Nordstrom Associates, Inc., said that one acre would be taken from Kalika Lot 004-1 and added to PSNH Lot 005, a move of 59'. The Kalika property would be 2.6 acres and the PSNH property would be 19.16 acres. No development is proposed on the property. The substation is south of it. The gated access road will continue as is.

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 7-0-0 to accept the application for review, on a motion made by John Segedy and seconded by Tom Koenig.

Jeff Morrisette said staff listed inconsistencies between the plan and the requirements of the Subdivision Regulations. No waivers are necessary. Tony Basso said he wrote the project narrative. This settles court action/appeal for the buffer requirement from PSNH's substation. Chairman Best noted there were environmental concerns. Tony Basso said that buying one acre would act as a buffer and settle the case.

There was no public comment.

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

The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by John Segedy.

1. Final plans and mylars to be signed by the property owners. The Licensed Land Surveyor shall also sign and seal final plans and mylar. In addition to the recordable mylar sheet, the applicant to provide 1 mylar and 4 paper copies of the final plan set. Any waivers granted shall be listed and fully described on the Final Plan set on a recordable sheet;
2. The applicant is responsible for all fees (including \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) associated with recording the plan at the Hillsborough County Registry of Deeds;
3. Address planning staff technical comments (below).

Planning Staff Technical Comments

1. Written confirmation to be provided by a Licensed Land Surveyor to the Community Development Department certifying that proposed monumentation has been set in accordance with the final approved plan;
2. The applicant to satisfactorily address the following comments and/or amend the final plan to include the following minor revisions:
 - i. The final plan shall be amended to reflect the lot merger between Lot 5 and former Lot 6 per Site Plan recorded at the Hillsborough Registry of Deeds Plan No. 37118;
 - ii. The Locus Maps on the Title Sheet and Sheet 2 shall be corrected to accurately reflect the subject property of this application;
 - iii. The final plan to be amended to note any Litchfield abutters;
 - iv. The Licensed Land Surveyor shall verify that the plan text (please check numbers in graphic scale and labels on arrows in Locus Map) and hatching conform to Registry standards for the recordable sheet. Staff recommends darkening some of the linework and labels associated with the “former lot line” and “gravel access road”.

7. Discussion and possible action regarding other items of concern

Chairman Best said that Eagle Scout Joseph Parker proposes to build a pergola in Watson Park. He has received unanimous support from the Eagle Scout Board, the Parks and Recreation Committee, Town Council, and Public Works Department. The project is consistent with the Watson Park Master Plan. Because it is a public park/government land use, in accordance with RSA 674:54, the Parks and Recreation Department has suggested that the Planning Board decide whether to hold a public hearing or an informational presentation.

The Board voted 7-0-0 to not require a public hearing under RSA 674:54, but rather hold an information session concerning a proposed Eagle Scout project in Watson Park, on a motion made by John Segedy and seconded by Tom Koenig.

Chairman Best noted that this is John Segedy's last meeting as a Planning Board member. He has served in this capacity since 1983. Chairman Best thanked him for his high quality, dedicated service and insight and presented a card signed by members and staff. John Segedy replied that he enjoyed serving with many Planning Board members over the years. Pete Gagnon recognized John Segedy's enlightening logic and tireless work over many years and presented him with an engraved section of ribbon from the grand opening of Merrimack Premium Outlets. Tom Koenig said it was an absolute pleasure to work with John Segedy, who is an asset to the Planning Board and to the community. He thanked him for educating and training and doing so much work for the Town. His insight and assistance will be missed. All present gave John Segedy a standing ovation.

8. Approval of Minutes

The minutes of July 10, 2012, were approved as submitted, by a vote of 6-0-1, on a motion made by John Segedy and seconded by Lynn Christensen. Desirea Falt abstained.

9. Adjourn

The meeting adjourned at 8:03 p.m., by a vote of 7-0-0, on a motion made by John Segedy and seconded by Alastair Millns.