



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

**TUESDAY, SEPTEMBER 11, 2012**

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig (arrived 8:25 p.m.), Stanley Bonislowski, Desirea Falt, and Alternates Nelson Disco, Pete Gagnon and Matthew Passalacqua.

Planning Board members absent: Michael Redding and Lynn Christensen (performing Town Moderator duties).

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

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

Chairman Best called the meeting to order at 7:30 p.m. Secretary Millns asked for a moment of silence to commemorate September 11, 2001.

#### **2. Announcements**

Robert Best designated Matthew Passalacqua and Pete Gagnon to sit for Michael Redding and Lynn Christensen, respectively.

Chairman Best announced the September 18 and September 25, 2012, meetings of Master Plan Steering Committee and Planning Board, respectively.

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

None.

- 4. Northeast Credit Union (applicant) and G&G Scully, LLC. (owner) –**  
Review for Acceptance and consideration of Final Approval of an application requesting a waiver of full site plan review to permit a proposed change of use to convert the former Zoot's Cleaners (approximately 2,400 s.f.) to a financial institution branch office with Drive-thru in the C-2 (General Commercial), PRD, Elderly and Aquifer Conservation Zoning Districts. The property is located at 370 D.W. Highway. Tax Map 4D-3, Lot 001-1.

Devin Parker, Facilities Manager, Northeast Credit Union, read into the record his September 5, 2012, letter stating that it is Northeast's "policy to employ local staff and local companies and to be a full partner in the communities we serve. This 370 D.W. Highway project is to fit-up the 2,400 square foot former Zoots Cleaners as our new Merrimack branch. We will provide full in-branch financial services and two lanes of drive-up service, including a night drop and 24/7 drive-up ATM. Our new Merrimack branch will employ approximately six staff initially, with more to

come as custom warrants. Business hours will be 9:00 a.m.-5:00 p.m., Monday through Friday and 9:00 a.m.-12:00 p.m. on Saturdays.”

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 6-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Desirea Falt.**

Alastair Millns supported approval because the original concept for the site was a bank and the layout of the approved 1999 site plan reflected that probability.

Staff recommends that the Board grant the waiver of full site plan review.

**The Board voted 6-0-0 to waive full site plan review, on a motion made by Alastair Millns and seconded by Pete Gagnon.**

Nelson Disco agreed with Alastair Millns. In answer to Nelson Disco’s question, Devin Parker said there are no known future occupants of the other half of the building.

#### **Public comment**

Jeff Morrisette informed the Board that abutters Anita and Peter Hinkle, 1 Pondview Drive, wrote a letter in support of the project.

Stanley Bonislowski asked whether the awning was approved. Chairman Best said that, on August 22, 2012, the Zoning Board of Adjustment (ZBA) granted a variance to permit the installation of a drive-thru canopy structure 43’ from the edge of the right-of-way of D.W. Highway, whereas 50’ is required.

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

**The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Stanley Bonislowski.**

1. Final plans to be signed by the Applicant and Property Owner;
2. Any waivers granted shall be listed and fully described on the Final Plan;
3. Address any forthcoming comments from the Fire Department;
4. Address planning staff technical comments. (Below)

#### Planning Staff Technical Comments

1. The applicant has not indicated any proposed signage, including any directional signs. Client was asked to revise the plans by either indicating proposed signage (with appropriate details) or (if no signage is proposed) add a note to the plan indicating no signage is proposed;
2. The final plan shall show the location of the proposed awning, and shall list and fully describe any relief granted by the Zoning Board of Adjustment at their meeting of August 22, 2012;

3. The final plan shall indicate the proposed days and hours of operation;
4. The applicant to clarify the plan by indicating which portion of the existing building is to be affected by the proposed change of use.
5. **Arencos Inc. (applicant) and Jopat Real Estate Enterprises, 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 17, 2012 to construct three single-story duplex style buildings for office uses. The subject property is part of the Crosswoods Path Planned Unit Development (PUD) and was formerly approved for a 4,550-SF restaurant facility. The parcel is located at 747 Daniel Webster Highway and lies within the I-1 (Industrial), C-2 (General Commercial), R (Residential), PRD and Aquifer Conservation Zoning Districts. Tax Map 7E, Lot 046-54.

Jeff Morrisette stated that the applicant completed State historic and traffic reviews and the Community Development Department had requested additional revisions. The review could not have been completed before the allotted time period elapsed. Arencos has made a good faith effort and staff strongly supports the six-month extension. Stanley Bonislowski supported the extension because Arencos is actively working on the Planning Board's conditions.

**The Board voted 6-0-0 to grant a six-month extension for compliance with the conditions of final site plan approval granted by the Planning Board on January 17, 2012, on a motion made by Stanley Bonislowski and seconded by Desirea Falt.**

6. **Bedford Design Consultants (applicant) and Tamposi, Watson, Bowsowski & Clegg (owner)** - Pre-Submission Hearing to discuss a proposed two lot subdivision and a site plan for proposed construction of an approximate 208,000 s.f. warehouse building located at Mast Rd. The property lies within the I-1 (Industrial) and Aquifer Conservation Zoning Districts and portions of the parcel are subject to the Flood Hazard Conservation District. Tax Map 2D, Lot 021.

Robert Best recused himself from discussing and voting on this item. Secretary Millns, acting as chair, designated Nelson Disco to sit for Robert Best.

Robert Baskerville, President, Bedford Design Consultants, said that, because there has been no public announcement, he could not yet disclose the name of his client, the site's specific use, or the product. The property abuts Anheuser-Busch, the Merrimack River, and the Wastewater Treatment Facility. The purchase and sale agreement with Tamposi, et al., is to buy approximately half of the property, which would be divided roughly in the middle. The wetlands were all mapped. The entrance road will avoid them and there will be no wetland impact. Most of the back is open and sandy. It is estimated that the site is roughly balanced with respect to cut/fill and that no trucking of significant amounts of material to or from the site are anticipated. Earthwork would be fairly minimal. The client will erect a high-tech facility for one major entity. The client wants a larger building than what

they presently occupy. He has permission to bring in the product by railroad spur. A conveyor belt and computerized cranes would put everything on a rack storage system that would be 55'-65' tall. Going taller with respect to building height increases the process efficiency and decreases impervious areas of the building by half. Without forklifts, there would be no oil drip. Most of the work would be computerized. There would be 20 parking spaces in front for a maximum of 20 employees on the north and 20 loading docks on the south. Although the application proposes a 208,000 square foot building, it may be as small as 168,000 square feet with tentative future additions. A 1,200' access road would be built to town standards, but it would not be a road owned and maintained by the town. There would be full access to the front. The client will work to provide access for vehicles to turn and go to the back of the building. There is an 8" Pennichuck water line. All sewer manholes are on the other side of the railroad tracks. The site would be serviced by private water (provided by Pennichuck) and a private on-site septic system. The cost of supplying municipal sewer to the site are extensive, and given the characteristics of a warehouse use, not cost effective to justify connecting to municipal sewer. Modern, state-of-the-art drainage would be designed. There would be some infiltration. The drainage areas are tentative; the full plan has not been designed yet. A stormwater plan would be designed and the client would meet with the Merrimack Conservation Commission (MCC). Phase 1 would consist of the building, road, railroad spur, and truck docks, with the addition in Phase 2. Lighting has not yet been designed. The 20 bays would be lit. Forty more trucks could be parked outside on a concrete truck pad. Room would be reserved for snow storage. The site has limited frontage and there are no sidewalks on Mast Road or in the immediate vicinity. The client seeks the Board's direction about sidewalks. Standard warehouse hours of operation are 9:00 a.m.-4:30 p.m.; with minimal staff presence until 10:00 p.m. There would be no night deliveries. All shipping is in-state only. Most products come by railroad with some by truck. A traffic report for warehouse use will be submitted later. There are very few employees and a fully designed intersection already nearby, so the warehouse would not tax the traffic system. Robert Baskerville stressed that his client wants to move as quickly as possible.

Alastair Millns asked whether there would be any employees at night. Robert Baskerville could not guarantee that. The site would not be gated. Someone would be there most hours. Alastair Millns said that must be clarified for final review. Since no salt or de-icers may be permitted, an alternative should be found. A better explanation than finances, such as technical problems, is needed for not bringing the sewer under the railroad tracks.

Stanley Bonislowski asked how trailers could load, deliver and return by 5:00 p.m. Robert Baskerville replied that it would become clear when the name of the client is announced.

Stanley Bonislowski said the big issue is a condition about snow and ice removal. He suggested the client agree to no salt use but not to no de-icer use.

Nelson Disco asked for soil information on the entire lot, wetland setbacks and boundaries, the 100-year and 500-year flood plains, traffic counts, and their impact

on the Route 3 intersection. Avoiding the wetland is an improvement. He also urged bringing in the sewer under the railroad tracks rather than using a septic system.

Desirea Falt wanted an explanation of how the trucks would make a right hand turn to Exit 10 and the designated double left-turn lane and asked whether the warehouse foundation would be raised. Robert Baskerville said it would not, but the building would be raised 4' for truck docks. Water would run down and away from the building.

Pete Gagnon asked about the location of the Pennichuck easement. Katie Weiss, Project Manager, Bedford Design Consultants, pointed out the 20' easement. There is a 30" dry line to draw water from the Merrimack River if necessary. Robert Baskerville said a pipe comes from the River and flows along the property. The dry line is used to recharge ponds when they are very low and is only for emergencies.

Pete Gagnon asked about flood elevations. Robert Baskerville and Katie Weiss said the first floor would be higher than the 100-year and 500-year flood elevations.

Pete Gagnon noted 45' between the railroad spur and the building. Katie Weiss said it could be enough for a septic system, but the system probably would be placed under the parking lot. Several concepts are being considered.

Nelson Disco wanted to know the types of materials in the warehouse and asked that they be noted on the site plan.

Stanley Bonislowski said that, although sidewalks would be senseless at this site, the client would be a good neighbor by donating its cost to the pool for a sidewalk in another part of Merrimack.

Stanley Bonislowski asked about the light on Manchester Street and on Henry Clay Drive. Alastair Millns explained that there have been proposals for lights on Henry Clay Drive and on Robert Milligan Parkway, but no signals have been proposed recently. Stanley Bonislowski said there could be a tie-in if the client uses 18-wheel vehicles. Nelson Disco said funds were put aside for a traffic light at the intersection of Manchester Street and Route 3. The State removed the light at Nashua Corporation because, when the company left, the traffic load went way down. A traffic light at this site is probably not warranted. Stanley Bonislowski repeated that the issue is the left turn back into the site at times when traffic is heavy.

Alastair Millns suggested the final application be as complete as possible for approval at one meeting. Nelson Disco suggested considering returning to the Board if there are questions before then. Robert Baskerville said the client already spent money to do preliminary work in order to be better prepared.

There was no public comment.

**7. Pavilion at Watson Park – Presentation and Discussion of the Pavilion by Subcommittee member Peter Flood.**

Robert Best returned to the Board.

Tom Koenig arrived at 8:25 p.m.

Phil Straight, Chairman of the Pavilion Subcommittee (Subcommittee of the Parks and Recreation Committee), of 11 Spruce Street, said Rotary sponsored and funded most of the program. Pavilion Subcommittee Member Peter Flood, 6 Shore Drive, found timber frame construction to match the fund available. He said the location was set by the Public Works Department just above the 100-year flood plain line, 160' closer to D.W. Highway and larger than shown in the Watson Park Master Plan. A building permit was issued. The 760 square foot pavilion would be pentagon-shaped. It would be a clear span with no timbers across the ceiling and should last for generations. The kit would be put together at a barn-raising type of event in November 2012. Donations from the public and from the Town's Watson Park grant have also been collected over the past 2-3 years.

Stanley Bonislowski asked about cement posts. Peter Flood said masonry stanchions might be needed, but not if there is a 3' overhang. Phil Straight added that, if funds were available, a dressing would be added in front.

Nelson Disco asked whether labor would be all volunteers and whether it would be safe to have them do the roofing. Peter Flood explained that a professional roofer from Rotary would install the roof.

He showed the locations of the pergola and the pavilion, which would be in different sections of the Park.

Desirea Falt asked about hazardous materials under the foundation. Phil Straight assured the Board there is no hazard. Peter Flood said the monolithic slab would not go below 2'. The building would be unheated.

In answer to Nelson Disco's question, Peter Flood said the 100-year flood elevation is 118.

Stanley Bonislowski asked how the pavilion could be erected by November 2012 when the project is 1/3 or \$11,000 short or if all the money has not been raised by then. Peter Flood replied that more donations brought the total collected to \$28,000, so almost everything could be built in the fall. It is hoped the public would donate to the special Rotary trust.

Stanley Bonislowski said parking should be expanded because new installations would make the Park busier. Phil Straight said the lot would be expanded with asphalt left over from summer Parks and Recreation Department projects. It is a judgment call: the subcommittee wants open space while being frugal and not spending money on a big parking lot. Peter Flood explained that people park on the grass during special events. There is room on the field in back.

Pete Gagnon commended the Rotary Club for its thoughtfulness in supporting the project and dedicating it to Roger Duhamel.

There was no public comment.

**8. Discussion and possible action regarding other items of concern**

The Board was informed that Karin Elmer is interested in being reappointed to the Nashua Regional Planning Commission (NRPC). Nelson Disco said that, in her over six years in that position, she has been a faithful attendee and has served on the executive board. She is very capable and represents Merrimack well.

**The Board voted 7-0-0 to recommend to Town Council that Karin Elmer be reappointed as a member of the Nashua Regional Planning Commission (NRPC), on a motion made by Stanley Bonislowski and seconded by Tom Koenig.**

**9. Approval of Minutes**

**The minutes of August 7, 2012, were approved, with changes, by a vote of 7-0-0, on a motion made by Stanley Bonislowski and seconded by Alastair Millns.**

**The minutes of August 21, 2012, were approved, with changes, by a vote of 6-0-1, on a motion made by Alastair Millns and seconded by Desirea Falt. Stanley Bonislowski abstained.**

**The minutes of July 24, 2012, were approved, with changes, by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.**

**10. Adjourn**

**The meeting adjourned at 9:17 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Tom Koenig.**