



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

DECEMBER 18, 2012

APPROVED MEETING MINUTES

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, December 18, 2012 at 7:31 p.m. at the Town Hall Matthew Thornton Room.

Chairman Robert Best presided:

Members of the Board Present: Alastair Millns, Secretary
Stanley Bonislowski
Lynn Christensen
Desirea Falt
Michael Redding
Pete Gagnon, Alternate
Nelson Disco, Alternate
Matthew Passalacqua, Alternate
Councilor Thomas Koenig

Members of the Board Absent:

Also in Attendance: Nancy Larson, Planning & Zoning Administrator
Don Buso, Merrimack Congregation of Jehovah Witnesses
Kevin Anderson, Meridian Land Services
Ms. Jeanne M. Martin

1. Call to Order

2. Announcements

The next meeting of the Planning Board is scheduled for January 8, 2013. There is no specific date scheduled for the next Master Plan Steering Committee meeting.

Member Gagnon presented to members of the Planning Board, Police Department, Fire Department, Public Works Department, and all staff of the Town of Merrimack who participated in the effort up to and including the late Walter Warren, portions of the ribbon utilized at the Grand Opening Ceremony of the Merrimack Premium Outlets, which he had embroidered as a memento of the event.

3. Planning & Zoning Administrator's Report

Ms. Larson informed the Board of receipt of plan sets for review of satisfaction of conditions for Synergy Self Storage, LLC (Applicant) & Christopher Ross, LLC (Owner). It is hoped the plan set will be ready for Board signature in the near future.

Ms. Larson stated, although she would verify, she does not believe any submissions have been received for the Board's January 8, 2013 meeting.

Chairman Best congratulated Ms. Evelyn Gillis on her upcoming retirement and expressed gratitude for her service and support. Ms. Larson commented Ms. Gillis has been a great part of the department for many years, and will be missed by all.

Merrimack Congregation of Jehovah's Witnesses (Applicant/Owner) – Discussion and action regarding a request for a six-month extension for compliance with conditions of a final site plan approval granted by the Planning Board on February 7, 2012 to construct a single-story 3,960 s.f. church. Parcel is located at 59 Wire Road and lies within the R (Residential) and Aquifer Conservation Districts. Tax Map 6D, Lot 526-1.

Ms. Larson noted the Applicant was prepared to provide a brief summary of minor changes made to the Site Plan from what was conditionally approved by the Planning Board. The conditions noted in the staff memo, for the most part, are very minor. A great deal of the staff recommendation is related to the applicant deeding 25' from the center line of Wire Road for additional right-of-way. A new sidewalk is being proposed within the right-of-way except for a small sliver of walkway towards the south end of the property. Staff believes it a cleaner solution, rather than deeding that small portion of land, to dedicate 25' from the centerline, which is consistent with the sub-division regulations, and evens out the right-of-way within that stretch of road.

Mr. Don Buso, Merrimack Congregation of Jehovah Witnesses, stated the purpose for appearing before the Board was to request an extension to complete the conditions of approval of the Site Plan. He stated a six-month extension would be more than adequate to complete the project as it is nearly complete at this time. He added, further delay would add unnecessary cost to the project and congregation.

He commented the Site Plan has not changed substantially with the exception of the conveyance of the sidewalk by a dedicated right-of-way. He noted, other than the requirement for an archeologist to dig on the property looking for any kind of aboriginal remains, there has been no physical activity on the property.

Mr. Kevin Anderson, Meridian Land Services, informed the Board two changes have been made to the plans. The first is the dedication of a right-of-way. The second is a realignment of the access into the site, which has been adjusted 15' to the north as a means of addressing concerns of the abutters across the street in preventing headlights from shining into windows. He suggested that to be a major change. He noted the dedication of 25' from the center line from Wire Road, and remarked the previous submission included a 20' easement from the property line, which created a slight sliver of sidewalk that was encompassed within the easement. To more cleanly display and dedicate the land, the intent is to go 25' from the center line of Wire Road, which will encompass the entire sidewalk, cleanly dedicate the land to the Town, and release the liability of the Applicant.

Member Millns asked for clarification the sidewalk would be constructed as part of the project. Mr. Buso stated that to be the case.

Public Comment

Valerie Twiss, Bramber Home Owner's Association

Stated a desire to understand better what was occurring, what would be entailed, etc.

Chairman Best stated the applicant's project was considered and reviewed in detail approximately a year ago. He offered Ms. Twiss a few moments to review details of the plan identified on the back of the Applicant's chart; however, stated his expectation that most of the details were items the Board has already come to recognize as part of what it was satisfied with its earlier approval.

Member Millns requested the Applicant confirm the original comment related to a curbing option has been deleted from the application, and curbing will now be put in. Mr. Don Buso stated granite curbing would be included.

MOTION BY MEMBER CHRISTENSEN TO REINSTATE THE CONDITIONAL FINAL APPROVAL FOR THE PROJECT

MOTION SECONDED BY MEMBER MILLNS

MOTION CARRIED

7-0-0

MOTION BY MEMBER CHRISTENSEN TO GRANT THE REQUEST FOR THE SIX-MONTH EXTENSION, EFFECTIVE FROM AUGUST 7, 2012, WITH THE FOLLOWING CONDITIONS TO BE FULFILLED WITHIN SIX MONTHS AND PRIOR TO PLAN SIGNING, UNLESS OTHERWISE SPECIFIED:

1. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor, Certified Wetland Scientist, and Professional Engineer (as appropriate) shall also sign and seal final plans and mylars;
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 and any related documents at the Hillsborough County Registry of Deeds;
3. The applicant to submit a draft copy of a Quit Claim Deed for the dedication of right-of-way for review by legal counsel. Upon approval of draft language, final executed deed to be submitted to Community Development for recording;
4. The waiver from the Landscape Buffer for the southerly property boundary previously granted by the Board shall be listed and fully described on the Final Plan set on a recordable sheet and on the Landscape Plan;
5. Unless acceptable by the Board, the "Curbing Option Note" added to Sheet SP-1 to be removed and all plan sheets to be revised as necessary. Similarly, all references to the "alternate grading if island is not curbed" (including proposed grading) are also to be removed if the Board does not find optional curbing to be acceptable;
6. Pursuant to an e-mail from Kyle Fox dated December 23, 2011 a driveway crosssection shall be added to the plan set and shall demonstrate that the driveway at the entrance from Wire Road will be constructed to town standards and allow for construction of the sidewalk by the applicant. Merrimack Fire Department to submit in writing (e-mail is sufficient) that the Department approves the height of the carport (11'-1" to top of column support according to the building elevation on Sheet A-2);
7. The applicant shall satisfactorily address the following peer review comments from the town's consultant, CLD in a letter dated December 23, 2011:
 - Item 5h – please revise Detail 1 (Roof Drip Line) on Sheet D-2 to be consistent with increase in dimensions of stone drip edge);

- Item 8g – please express the Avg/Min as a ratio and include parenthetically “Uniformity Ratio”.
- 8. If agreed upon by the Board, revise all necessary plan sheets (including detail on Sheet SP-2) to show a dedication of right-of-way (include a metes and bounds description) measured 25 ft. from the centerline of Wire Road and adjust the front yard building setback and the 20 ft. sign setback accordingly on all applicable plan sheets. Granite bounds to be set at new front property boundary (including any new angle points) and indicated on all plan sheets as applicable. Bearings and Distances also to be revised as necessary as a result of the 25 ft. dedication;
- 9. Building elevations to include proposed building height. Elevation labels denoting “north”, “south”, etc. to be revised (it appears “south” should be labeled as “west”, “east” should be labeled as “south”, “south” should be labeled as “east”, and “east” should be labeled as “north”;
- 10. Address planning staff technical comments. (Below)

Planning Staff Technical Comments

1. Label the proposed HVAC pad on sheet SP-1;
2. Adjust the lot area to account for the dedication of right-of-way;
3. Revise scale to read 1”=40’ on the “Sight Distance Plan”, Sheet D-3;
4. Add name, pavement width and right-of-way width for Wire Road to recordable plan sheet;
5. Remove all references to the “proposed pedestrian way easement” and similar references on all plan sheets, as applicable;
6. Add/Revise the following notes to/on the plan sheets as indicated:

Proposed Site Improvements Site Plan (Sheet SP-1)

- Add a note to the plan regarding the need to comply with Chapter 412 Stormwater Management Standards adopted by the Town of Merrimack Town Council on July 21, 2011 (in addition to the note referencing the required pre-construction meeting);
- Label each typical light fixture proposed (e.g. “WL”, “BL”, etc.);
- Update owner information for Map 6D Lot 526;
- Add “Minimum Contiguous Upland Area” after 100,000 sq. ft.; add “By Soil Type” after “R-1 Residential District”; and add “No Disturb” before “Wetland Buffer”, all in Note SP-1.8;
- Remove Note S9-1.13 in its entirety since a pedestrian easement is no longer necessary. All subsequent “SP-1” notes on this sheet to be renumbered accordingly;
- Revise Note 1 under “Zoning Variance” and “Approvals” to remove “1” from the “R1 District” and add “(Residential)” in its place so it reads “R (Residential) District”;
- Any conflicts between text and graphics should be confirmed that they do not violate HCRD recording standards (e.g. length of 84.50’ and radius of 5000.00’ within the existing apple trees, several occurrences of “OH” along the applicant’s frontage, and 4”x4” Flush along the frontage of Map 6D Lot 529);

- Add typical setback labels with graphic dimensions for the front and side yard property line setbacks (the setbacks are graphically shown but not labeled).

Boundary Easement/Easement Plan (Sheet SP-2)

- Add the words “No-Disturb” before “Wetland Buffer” on Note SP-2.5 so it reads “25’ No-Disturb Wetland Buffer”;
- Add the words “By Soil Type” after “R-1 Residential District”;
- Revise title of sheet to remove references to “Easement”.

Existing Conditions Topography and Soils sheet (Sheet SP-3)

- Revise the 100-year flood plain label to reference Note SP-2.7.

Lighting plan (Sheet LT-1)

- Add the abbreviations (BL, CL, etc.) for each fixture type to the light fixture details and add a detail for the proposed carport light fixtures.

Landscape Plan (Sheet LS-1)

- Legend should clearly distinguish Chantileer Pear from the Regal Prince Oak (please clarify on the legend that the “RF” on the landscape plan represents the Regal Prince Oak).

General Conditions:

1. Completion of As-Built plans by a Licensed Land Surveyor or Professional Engineer as a condition of the release of any escrowed funds or prior to issuance of the certificate of occupancy, if escrowed funds are not necessary for on-site improvements;
2. A building permit is required for the proposed shed as it exceeds 160 sq. ft.;
3. In accordance with an e-mail dated December 23, 2011 from Captain John Manuele, the Fire Department will require a fire alarm for the building and a sprinkler system for both the building and the carport.

MOTION SECONDED BY MEMBER BONISLAWSKI

ON THE QUESTION

Member Millns suggested condition #5, relative to the “Curbing Option Note” was no longer necessary. Chairman Best suggested there to be no harm in allowing the condition to remain despite the fact it has been satisfied.

Chairman Best reiterated the six-month extension would be effective from August 7, 2012 through February 7, 2013, and questioned whether the Applicant had a clear understanding of that. When asked if additional time would be needed to satisfy all conditions of approval, Mr. Buso questioned Mr. Anderson who stated his belief that the only outstanding item of any concern is the dedication of the right-of-way; however, he is of the belief the timeframe will work. When asked if any comment on the Deed has been received from Town counsel, Ms. Larson stated it has not. When asked if she could foresee resolution requiring a lengthy period of time, she stated she could not.

MOTION CARRIED

7-0-0

5. Jeanne M. Martin (Applicant/Owner) - Home Occupation for a proposed piano studio business within the R (Residential) District, located at 38 Pearson Road. Tax Map 7D, Lot 003-1.

Ms. Jeanne Martin informed the Board that she runs a piano teaching studio. Her business is to provide private piano lessons. She teaches music theory and music history to both children and adults. She has been teaching for the past 16 years; the last 5 of which she taught in Bedford (home occupation). She noted, during that time, she was always respectful of neighbors, and never experienced any difficulties. She wishes to transfer her business to her new home in Merrimack.

She stated her business is primarily private lessons, and she would expect there to be 1 lesson given at a time. With regard to parking, Ms. Martin stated no parking would occur on the main road. She stated her expectations, for the near-term, to be the need for parking for two cars to accommodate drop-off and pick-up. At present, she teaches between 4-8 students/day and would like to bring that up to 15 or so. Long-term she would like to have a non-resident employee, perhaps some small classes (3-8 individuals), and provide the opportunity for her students to conduct a casual performance in her living room. She noted a large performance she conducts takes place in a space she rents at a church.

She stated her understanding that the Board has requested limitations be imposed with regard to the number of group classes, maximum number of students, etc., and offered to answer any questions.

Member Bonislowski questioned the meaning of music theory, and was informed it is the mathematics behind music, e.g., notation, keys, scales, etc. Chairman Best questioned whether a sign was intended for the business, and was informed the Applicant does not intend to utilize and has not requested signage. When asked about the type of advertisement utilized, Ms. Martin remarked the best way to advertise is via the Internet and word of mouth. When asked how long a student typically remains in her tutelage, she noted she has had some of her students for 6-8 years. Member Millns questioned the level to which Ms. Martin teaches, and was informed most piano students, in general, simply desire the ability to play; however, she has had students go on to music colleges.

MOTION BY MEMBER MILLNS TO ACCEPT THE APPLICATION FOR REVIEW

MOTION SECONDED BY MEMBER FALT

MOTION CARRIED

7-0-0

Member Christensen questioned the square footage and noted the application refers to both 1,632 sq. ft. and 1,877 sq. ft. Ms. Martin explained there is a finished room located in the basement, which accounts for the difference.

Councilor Koenig remarked the applicant refers to a desire to reach the capacity of 10-20 students/day, and notes the driveway can accommodate 8 vehicles. He questioned how that would be addressed. Ms. Martin responded the determination of the number of parking spaces was based on a parking space having to be 9' wide. She stated her belief, although she would not wish to have that many cars on a regular basis, they could be accommodated. She added there is additional paved space in the back of the home.

When asked if she expected to limit the number of people at gatherings to 8, Ms. Martin stated she would never want more than 8 cars. When asked how many students, she noted her floor plan has been submitted to the Fire Department in search of guidance as to the maximum number of occupants. The recommendation received is that there be no more than 18 individuals on the property at one time.

When asked, she stated the recommendation was based on the 370 sq. ft. intended to be used for the business. Member Millns commented he has seen the memo from the Fire Department, and the point was made that 18 is an acceptable number for business purposes.

Public Comment

None.

**MOTION BY MEMBER MILLNS TO GRANT FINAL APPROVAL OF THE HOME OCCUPATION
SUBJECT TO THE FOLLOWING PRECEDENT CONDITIONS:**

1. The applicant shall submit a floor plan indicating the locations with square footage of those areas to be utilized as part of the Home Occupation. The floor plan shall indicate the existing means of egress and the maximum number of occupants allowed on the premises at one time with respect to the Home Occupation. The floor plan shall also include any required notes or limitations imposed by the Planning Board;
2. The floor plan shall receive satisfactory review by the Fire Department.

**MOTION SECONDED BY MEMBER CHRISTENSEN
MOTION CARRIED
7-0-0**

6. Discussion and Possible Action Regarding Other Items of Concern

Chairman Best informed the Board that notice has been received of the requirement to submit an Annual Report on January 7, 2013. The annual meeting with the Town Council is scheduled for May 9, 2013.

7. Approval of Minutes

Merrimack Planning Board November 13, 2012

**MOTION BY MEMBER BONISLAWSKI TO APPROVE AS WRITTEN
MOTION SECONDED BY MEMBER CHRISTENSEN**

Vote on the motion to approve with amendments
**MOTION CARRIED
7-0-0**

8. Adjournment

**MOTION BY MEMBER MILLNS TO ADJOURN
MOTION SECONDED BY MEMBER CHRISTENSEN
MOTION CARRIED**

The December 18, 2012 meeting of the Merrimack Planning Board was adjourned at 8:10 p.m.