



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, MAY 20, 2014

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Desirea Falt, and Stanley Bonislowski.

Planning Board members absent: Michael Redding and Alternate Nelson Disco.

Community Development staff: Community Development Director Tim Thompson, Planning and Zoning Administrator Jillian Harris, and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m.

2. Planning & Zoning Administrator's Report

Tim Thompson introduced and welcomed Planning and Zoning Administrator Jillian Harris and announced that the Community Development Department is now fully staffed. Jillian Harris listed her experience working on planning initiatives.

3. GTAT Corporation (applicant/owner) – Review for consideration of a 2-year extension to meet precedent conditions of approval for the site plan conditionally approved on April 1, 2014, located at 243 and 247 Daniel Webster Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-1, Lot 041 and Tax Map 3D-2, Lot 041-01.

Tim Thompson explained that GTAT is re-evaluating its plans. It will limit the scale of installations and concentrate on interior work. Due to the latest market analysis, it is not in a position to execute the conditional approval requirements fully. The building addition and parking lot will be done in the future. It was Tim Thompson's idea to extend conditional approval to the maximum of two years from the date of the Planning Board's decision, to April 1, 2016, so that the applicant will not have to return to the Planning Board every six months. Ordinances might change during that time. It is an encouraging sign that GTAT will still shift from research and development to manufacturing, move ahead with installing furnaces and stay in Merrimack.

Tom Koenig questioned a two-year extension, since the Board had approved the plan quickly in response to GTAT's sense of urgency. He asked whether it is appropriate to grandfather a project for two years. Desirea Falt had no issue with a two-year extension. Stanley Bonislowski asked if everything in the plan would be the same if Ordinances changed. Tim Thompson explained that GTAT must comply only with new health and safety requirements, but not others the Planning Board may require during that period.

Although he supported a two-year extension, Chairman Best preferred that the matter be resolved administratively. Tom Koenig preferred a one-year extension. He wanted the Board to have a chance to react if something extreme happens in Town. Alastair Millns countered that one cannot be sure about the economy in two years. Tim Thompson said the Planning Board does not have to approve the reduction in the number of furnaces because they are in the interior of the building.

The Board voted 5-1-0 to grant a two-year extension, on a motion made by Alastair Millns and seconded by Desirea Falt. Tom Koenig voted in the negative.

- 4. Edgebrook Heights, LLC, Wigston Properties, LLC and Q. Peter Nash 1987 Rev. Trust I (co-applicants/co-owners)** – Continued Public Hearing for consideration of Final Approval of an application for a Conditional Use Permit to permit a future mixed-use development consisting of retail, office, multi-family residential and assisted living. Parcels are located at # 1, 37, 39, 55 and an unnumbered parcel, D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 1E, Lots 004-01 & 004-02 and Tax Map 2E, Lots 006-02, 007 & 008. ***This item is continued from the March 18, 2014 Planning Board meeting.***

The applicant asks for postponement to a date when the traffic engineer can attend the meeting to respond to questions about traffic-related matters.

The Board voted 6-0-0 to continue this item to June 17, 2014, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Stanley Bonislowski.

5. Workshop Discussion: Potential Zoning Ordinance and Subdivision Regulation Amendments regarding Self-Storage Facilities

Tim Thompson drafted language about self-storage facilities at the Planning Board's request. At the February 18, 2014, meeting, there was discussion about self-storage facilities after the Zoning Board of Adjustment (ZBA) overturned an administrative decision concerning storage at Zyla's. This means that previously approved self-storage facilities in the Industrial Districts are now non-conforming. He also drafted a parking requirement after the Board approved Synergy's 1,200-unit internal access self-storage. Tim Thompson characterized the parking requirement as "aggressively unreasonable". It would consume too much land that will hardly be used. Tim Thompson's proposals are consistent with regulations in other communities: to add a new definition of a self-storage facility, add a new subsection for Conditional Use Permits (CUP) for self-storage facilities in the C-2 District, insert a new permitted use for self-storage facilities in the I-1 and I-2 Districts, and to amend the parking requirements for self-storage facilities from 1 for every 10 units and one for every employee to one for every 250 units and one for every two employees. Because self-storage is not the highest and best use in the C-2 Commercial District, the proposal lists where it would be appropriate and the criteria for granting a Conditional Use Permit. It adds an additional layer of Planning Board approval rather than ZBA approval for potential self-storage uses in the C-2 Commercial District.

Chairman Best asked how they would assess public need. Would they count how many storage units there are in Merrimack? Tim Thompson said the Planning Board could modify or remove that language. Alastair Millns called it a "can of worms" to count any

uses. Chairman Best said he was referring only to units related to a CUP. If self-storage facilities are allowed as a matter of right, the Planning Board will lose some ability to control them. Tim Thompson said former Planning and Zoning Administrator Nancy Larson's interpretation of self-storage is a warehouse use, but the ZBA said it is a personal service and overturned her interpretation. Now every other storage/warehouse in Merrimack is a personal service, which is not allowed in the Industrial District. Tim Thompson preferred granting a variance for a single lot in the Zyla's case, but the ZBA created a precedent for the entire Town. He does not encourage storage in the C-2 Commercial District because it is not the highest and best use of the land, but the ZBA made the decision. In the future, an extra level of Planning Board scrutiny will be needed before CUP approval.

Chairman Best suggested including landscaping and screening in the section on "visual compatibility".

Stanley Bonislowski asked why no electrical outlets would be allowed in storage units. Tim Thompson explained that it is to prevent people from living in them.

Tim Thompson listed next steps: a Planning Board public hearing for the zoning amendments, followed by a recommendation to Town Council, which would hold three readings and a public hearing; and a Planning Board public hearing for the site plan amendments, which would be effective immediately.

Tim Thompson said the changes would restore self-storage in the Industrial Districts to be conforming uses.

Stanley Bonislowski said Synergy's flat roof, where more stories will be added later, is dangerous for children and should be fenced.

The Board voted 6-0-0 to bring the proposed amendments to a public hearing, on a motion made by Lynn Christensen and seconded by Tom Koenig.

6. Discussion/possible action regarding other items of concern

Alastair Millns complimented the Public Works Department (PWD) for requiring that the Hamilton Court work be completed in six months or the bond will be called.

The Board voted 6-0-0 to approve \$154,684.81 performance bond and a \$100,535.24 sewer line construction performance bond for Hamilton Court Road, on a motion made by Alastair Millns and seconded by Lynn Christensen.

Chairman Best reported that Pete Gagnon spoke to soil scientists at the US Department of Agriculture and at Hillsborough County. They have offered to provide an information session for the Planning Board. Chairman Best suggested inviting the ZBA and the Merrimack Conservation Commission (MCC) as well. The Planning Board agreed to invite the soil scientists. Stanley Bonislowski suggested scheduling the session before discussion of the Tomasian subdivision site plan.

The Planning Board also agreed to a presentation of the performance zoning concept in Bedford's Rte. 3 Corridor.

Chairman Best reported that he had a long discussion about sidewalks in his annual report at Town Council's May 15, 2014, meeting.

The Board discussed possible meeting dates and attendees for the Sidewalk Master Plan Subcommittee.

Desirea Falt reported on a May 13, 2014 Bike-Ped workshop about how to analyze current roads and build a database about the best areas to place sidewalks. Tim Thompson reported that Assistant Planner Donna Pohli attended all the workshops and will likely be staff for the Community Development Department on this subcommittee. Desirea Falt suggested inviting the Parks and Recreation Department and interested community groups. Chairman Best said that community opinion could be solicited at a later stage.

7. Approval of Minutes – May 6, 2014

The minutes of May 6, 2014, were approved, as submitted, by a vote of 6-0-0, on a motion made by Desirea Falt and seconded by Lynn Christensen.

8. Adjourn

The meeting adjourned at 8:15 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.