



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 NOVEMBER 2, 2021

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, November 2, 2021 in the Matthew Thornton Room.

Robert Best, Chairman, presided.

Members Present:

- Neil Anketell (arrived at 7:10 p.m.)
- Lynn Christensen
- Jaimie von Schoen
- Town Councilor Barbara Healey - Ex-Officio

Members Absent:

- Paul McLaughlin (Vice Chairman)
- Nelson Disco – Alternate

Staff Present:

- Robert Price, Planning & Zoning Administrator

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m.

2. Planning & Zoning Administrator's Report

None

3. Discussion of Capital Improvement Program for Merrimack Village District.

This item was postponed to December 7, 2021.

4. Merrimack Premium Outlets, LLC (applicants/owners) – Review for consideration of an amendment to a previously approved Conditional Use Permit to permit a variety of temporary “event” uses and other permanent customer amenities within the existing parking areas. The parcel is located at 80 Premium Outlets Blvd in the I-2 (Industrial) zone, the Aquifer Conservation District, and the Wellhead Protection Area. Tax Map 3C, Lot 191-01. Case # PB2021-40.

Robert Price prefaced the presentation by explaining that staff was approached by the Premium Outlets about hosting a variety of special events at their location and were advised that in order to do so, they would have to amend their conditional use permit as well as the final site plan. If

the CUP amendment is granted by the Board, the applicant will still need to seek approval for a site plan amendment before any of the events can happen. The customer amenities that are proposed to be added are a drive up ATM, donation boxes and electric vehicle (EV) charging station. Chairman Best asked if the Board can expect to see the amenities mentioned on the site plan amendment when it is submitted and Mr. Price confirmed that the applicant will need to include them in that submittal as well in order for them to be approved.

Mark Verostick (Senior Project Engineer, Vanasse Hangen Brustlin, Inc.) and Vincent Cosco, (General Manager, Merrimack Premium Outlets) were present to discuss the proposal with the Board. Mr. Verostick began by sharing the layout of the Outlets and indicating the areas that will be used for special events. He clarified that the spaces he is pointing out on the plan are meant to demonstrate where potential events can occur and it does not mean that every event will use all of the allocated space. He then shared the location of the proposed amenities and advised the Board that if they are granted approval to amend the CUP, the site plan amendment plan will provide more details on these items. He continued by explaining that the site currently has an excess of 838 parking spaces, some of which will be used to allow these new amenities to be constructed. He also clarified that large events will not be scheduled during peak shopping times, (i.e. Black Friday, Christmas, etc.). They may host something small like a COVID testing clinic during peak times but nothing that would be a large draw and take up too many customer parking spaces.

Chairman Best asked for an idea of what types of events can be expected and Mr. Cosco responded with a list of events that have been held at other locations such as carnivals, tent sales, food truck festivals, static vehicle displays, medical testing/vaccinations, etc. Chairman Best asked for clarification on what they consider temporary for vehicle displays and Mr. Cosco stated that these displays are typically up for a week or so. Chairman Best asked if the Board were to define temporary as no more than 2 weeks if that would suit their needs and Mr. Cosco stated that it would as the displays and collection boxes are usually only up for approximately nine days. Chairman Best added that he does not want to limit them but at the same time, does not want the outlets to become a second location for a car dealership.

Chairman Best then asked why the EV charging stations are on the outskirts of the property because traditionally they are placed in more prominent locations. Mr. Cosco responded that the size of the transformers that are needed for the stations led to their proposed locations. Chairman Best then asked if they would ever consider events that serve alcohol or have fireworks displays, and Mr. Cosco indicated that they would consider events where alcohol is served such as the Ribfest and Bacon and Beer festival but do not foresee any events with fireworks. When asked about musical events Mr. Cosco indicated that they would stage these types of events on the turnpike side to be considerate of the residential neighborhood that abuts the property. Chairman Best asked if events will typically end when the mall closes at 9 p.m. and Mr. Cosco replied that they could be extended past mall hours if the vendor requests a later end time. Lynn Christensen asked if they would be open to agreeing to a specific end time and Mr. Cosco stated they would adhere to whatever is approved.

Chairman Best asked if this amendment would be impacted if Phase 2 of the Outlets is ever built and Mr. Cosco responded that it would because they would need the parking spaces for the new stores. Neil Anketell asked why lot A was not chosen for event space and Mr. Cosco clarified that it is usually the first lot that fills up with Outlet parking so they decided not to use that area for events.

Mr. Anketell asked if year round events will occur and Mr. Cosco replied that winter events are a possibility which raised the question of snow storage. Mr. Cosco confirmed that the auxiliary lot is used for snow storage during peak winter shopping times. Councilor Healey also raised the concern of traffic as there is only one road leading into and out of the shopping center. Mr. Cosco indicated that they would engage MPD for events that they feel may cause traffic issues. Lynn Christensen asked Mr. Price if the CUP would need to be amended again if Phase 2 is ever constructed and Mr. Price indicated that it would need to be amended again and recommended that the Board make it a condition of approval if they choose to grant this amendment.

Public Comment

Dennis Coughlin (15 Whittier Road) expressed concerns with the level and hours of noise near the residential areas as there are just power lines in between the Outlets and the neighborhood so there is nothing to buffer the sound.

Jason Greguske (5 Englewood Drive) stated that he is also concerned with the noise and asked what brand or socket type is being considered for the EV stations.

Mr. Cosco replied that he does not know much about the EV stations that are being proposed but suggested that the resident check out the ones that have been installed recently at other Simon properties such as the Pheasant Lane Mall.

The Board voted 5-0-0 to grant conditional final approval to the amended Conditional Use Permit, on a motion made by Lynn Christensen and seconded by Barbara Healey. The following conditions apply:

1. The approval of this amended Conditional Use Permit does not authorize the applicant to undertake any construction related to the proposed development. The applicant must subsequently obtain site plan approvals for site improvements within the development in accordance with the Town of Merrimack Site Plan Regulations;
2. The applicant is responsible for obtaining any federal, state, or local permits that may be required as part of any subsequent subdivision or site plan approval following the granting of this amended Conditional Use Permit;
3. In no circumstance shall any uses permitted through the approval of this Conditional Use Permit be modified/changed without an amended Conditional Use Permit approval from the Planning Board;
4. If this amended Conditional Use Permit approval is not acted upon within a period of two (2) years from the date of the final endorsement by the Planning Board (for the EV charging stations, drive-up ATM and temporary events), then the amended approval shall be null and void. Actions sufficient to vest an approval for this amended conditional use permit include Planning Board site plan approval, issuance of a building permit, or a Certificate of Occupancy issued by the Building Department where no Planning Board approval or building permit is required. However, should any subsequent site plan approval or building permit expire unused after the conclusion of the two-year validity period provided for herein, the amended conditional use permit granted as a precondition to said site plan approval or permit shall become void as well;

5. Should the applicant need to extend the two-year validity period, the applicant shall demonstrate to the satisfaction of the Planning Board that it was impossible or impractical to receive the necessary approvals to move forward in reliance on the amended conditional use permit granted within two years;
6. Any renewal/extension application shall be filed with the Planning Board no sooner than 90 days, nor later than 30 days, prior to the expiration of the Conditional Use Permit;
7. The Planning Board may, in its sole discretion, grant such extension of the above validity period as it deems warranted.
8. The applicant may be required to come back to the Planning Board with a revised Conditional Use Permit & Site Plan to ensure adequate parking availability in the event approval is sought for the construction of Phase II.

5. Discussion/possible action regarding other items of concern.

Chairman Best advised Mr. Price about 480 DW Highway construction that has eroded onto the road and Mr. Price replied that staff is aware and is working with the owner on the issue now.

6. Approval of Minutes – October 19, 2021

The Board voted 5-0-0 to approve the minutes of October 19, 2021 as drafted, on a motion made by Jaimie von Schoen and seconded by Neil Anketell.

7. Adjourn

The Board voted 5-0-0 to adjourn at 7:45 p.m. on a motion made by Barbara Healey and seconded by Jaimie von Schoen.