



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, OCTOBER 17, 2023

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, October 17, 2023 in the Matthew Thornton Room.

Members Present:

- Lynn Christensen (Vice Chair)
- Town Councilor Tom Koenig – Alternate Ex-Officio
- Jaimie von Schoen
- Kevin Peters
- Nelson Disco – Alternate

Members Absent:

- Robert Best (Chair)
- Haleem Mediouni
- Maureen Tracey (Alternate)
- Mark Williams (Alternate)

Staff Present:

- Robert Price, Community Development Director

1. Call to Order

Vice Chair Lynn Christensen called the meeting to order at 6:30 p.m. and led everyone in the Pledge of Allegiance. She then seated Nelson Disco for Robert Best.

2. Consent Agenda

- *Regional Impact Determinations*

The Board voted 5-0-0 to approve the consent agenda, on a motion made by Kevin Peters and seconded by Nelson Disco.

- 3. Colt Refining Inc. (applicant) and King Herrick, LLC and Evan Realty, LLC (owners)** –Review for acceptance and consideration of final approval for a site plan to construct a 97,600 s.f. light industrial facility with associated site improvements. The parcels are located at 12A Star Drive, and unnumbered parcels off Herrick Street and King Street in the in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-1, Lots 2-1 & 20-1 and Tax Map 3D-2, Lot 20-1. Case #PB2023-27

At the applicant's request, the Board voted 5-0-0 to continue the public hearing to November 7, 2023 at 6:30 p.m. in the Matthew Thornton Room, with no further written notice to abutters, on a motion by Nelson Disco and seconded by Jaime von Schoen.

- 4. EIP Corsicana II, LLC. (applicant/owner) and EIP A York II, LLC (owner)** – Review for acceptance and consideration of final approval for a lot line adjustment and two lot subdivision. The parcels are located at 57-59 Daniel Webster Highway in I-1 (Industrial) and Aquifer Conservation Districts, Tax Map 2E, Lots 6 and 6-1. Case # PB2023-26.

Tom Hildreth of McLane Middleton & Steve Glowacki of RJ O’Connell & Associates, Inc. presented the application. Mr. Hildreth explained that a few years ago, he and Mr. Glowacki had appeared before the Planning Board on behalf of the previous lot owner. At the time, they sought site plan approval for an addition to the existing building on the southerly side of the property and a separate 100,000 square foot standalone building on the northerly side of the property. That site plan was conditionally approved in July of 2021 and they have been working toward completing the conditions of approval since then, with the only item currently remaining being issuance of a State Sewer Permit.

Since getting conditional approval, ownership of the property changed. Mr. Hildreth said the new owners would like to subdivide the property largely for the purpose of getting financing for construction of the new standalone building. Mr. Hildreth highlighted where the new property line is proposed on a plan he displayed to the Board. He also showed the new building on the northerly portion of the site and the existing building to be expanded on the southerly portion of the site. EIP Corsicana owns two lots, a larger one (40+ acres) in the back as well as a smaller rectangular lot with frontage directly along Daniel Webster Highway. A small portion of the lot line for this smaller lot is going to be adjusted. This will result in a small strip of land merging into the larger lot. Mr. Hildreth explained they had incorrectly labeled the proposed lot as Map 2E, Lot 6-2, but as part of the conditions of approval they will need to have a different Tax Map and lot number as that sequence is already in use.

The Board voted 5-0-0 to accept the application as complete, on a motion made by Jaimie von Schoen and seconded by Nelson Disco.

Mr. Disco asked for some clarification of what was being subdivided. Mr. Hildreth and Mr. Glowacki confirmed the location of the lot lines, both existing and proposed. Discussion continued with questions from Mr. Disco about some existing site features shown on the site plan. Mr. Glowacki commented that the large rectangle across the northerly lot is a parking area which he does not believe is currently in use. Behind the lot there is a mowed field, but otherwise the lot is unoccupied and unused. Mr. Disco also questioned a line with a note saying “BFE=122.7” on page 1 of the site plan. He was not sure what this line represented. Mr. Glowacki said this was essentially a contour line and Mr. Price confirmed that BFE represented Base Flood Elevation.

Mr. Disco asked what the building shown on the southerly lot was. Mr. Glowacki said it is identified on sheet 3 as an existing building. Councilor Koenig then asked if, with the subdivision, each of the lots will only have one access point to the road. Mr. Glowacki said there is a one-way access from the southern portion of the site where vehicles can enter and travel around the back of the building adjacent to Daniel Webster Highway via an existing internal access driveway. Egress from the site is served by the existing access driveway as it wraps back toward Daniel Webster Highway to thenorth of the existing building he just referenced. Mr. Disco asked if the accesses were Town roads. Mr. Glowacki replied no, they are essentially private driveways.

Mrs. Christensen said it appears that the exit to Daniel Webster Highway is shared and there will be an easement. Mr. Hildreth noted there is an existing easement in place dating back to 1995. The plan is to update the easement to reflect the lot line adjustment & subdivision. Mr. Koenig asked if the small strip of land was being added to the new lot for access purposes. Mr. Glowacki confirmed this was for additional frontage. The discussion then briefly touched upon frontage requirements in the (I-1) Industrial District and whether the driveways would be paved and built to Town standards. Mr. Glowacki said the driveway has existed for quite some time, however he is not sure if it was specifically built to Town road standards. Mr. Price confirmed that there is no frontage requirement for industrially-used lots in the I-1 District.

No public comments were received.

The Board voted 5-0-0 to find that with the proposed conditions of approval, the application meets all applicable regulatory requirements necessary and further, to grant conditional final approval to the application subject to the following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made by Nelson Disco and seconded by Kevin Peters.

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits applicable to the project and provide copies to the Community Development Department, as applicable;
3. The applicant shall provide draft copies of any additional applicable legal documents for review at the applicant's expense, by the Town's Legal Counsel;
4. The applicant shall address any forthcoming comments from any municipal departments/boards, as applicable;
5. The applicant shall address the following Planning Staff Technical Comments:
 - a. The applicant shall revise the Planning Board Signature Block on all plan sheets, to be designed as shown below:

Approved by the Merrimack, NH Planning Board on: _____

Certified by:

Chair: _____

Vice Chair: _____

- b. Tax Map 2E, Lot 6-2 is already an existing lot, please contact the Town's Assessing Department for an acceptable number for the proposed lot;
- c. Revise title blocks on all sheets to state "Lot Line Adjustment and Subdivision Plan"

- d. Add a note stating the purpose of the plan on sheet 1;
- e. Revise Note 2 to include that the parcels are located within the Aquifer Conservation District;
- f. Revise note 3 to include the existing lot sizes of Lot 6 and Lot 6-1 as well as the proposed sizes of Lot 6, Lot 6-1 and proposed Lot 6-2;
- g. Add notes to plan to clearly define which lot lines are being removed, adjusted and proposed;
- h. Set granite bounds at both corners of the existing drainage easement along Daniel Webster Highway;
- i. All lots shall be bounded with permanently set granite or precast concrete markers and iron pipes per Sections 4.17.f & 4.18.a of the Subdivision Regulations, as applicable. Please review the plan to ensure all lot corners and changes in lot lines are bounded properly;

The following general and subsequent conditions are also placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
 2. Any proposed easements and/or applicable legal documents shall be recorded alongside the plan at the Hillsborough County Registry of Deeds at the expense of the applicant;
 3. The applicant shall address any forthcoming comments from the Fire Department, related to property addressing, as applicable.
- 5. Planning & Zoning Administrator's Report & Discussion/possible action regarding other items of concern**

Mr. Price shared there were no items of concern.

6. Approval of Minutes — October 3, 2023

The Board voted 4-0-1 to approve the minutes of October 13, 2023 as presented, on a motion made by Jaimie von Schoen and seconded by Nelson Disco. Tom Koenig abstained.

7. Adjourn

The Board voted 5-0-0 to adjourn at 6:53 p.m., on a motion made by Tom Koenig and seconded by Jaimie von Schoen.