



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## **MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY OCTOBER 18, 2022**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, October 18, 2022 in the Matthew Thornton Room.

### Members Present:

- Robert Best (Chair)
- Paul McLaughlin (Vice Chair, *arrived at 6:53 p.m.*)
- Neil Anketell
- Brian Dano
- Town Councilor Barbara Healey - Ex-Officio
- Haleem Mediouni – Alternate
- Maureen Tracey – Alternate
- Nelson Disco – Alternate

### Members Absent:

- Lynn Christensen
- Jaimie von Schoen

Staff Present: Tim Thompson, AICP, Community Development

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

Chair Robert Best called the meeting to order at 6:38 p.m. and led everyone in the Pledge of Allegiance. He then seated Alternates Nelson Disco, Haleem Mediouni, and Maureen Tracey for Paul McLaughlin, Lynn Christensen, and Jamie von Schoen respectively.

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

Tim Thompson provided an update on the Assistant Planner position that is open within the Community Development Department.

### **3. Consent Agenda**

#### *a. Regional Impact Determinations*

**The Board voted 7-0-0 to approve the consent agenda on a motion made by Maureen Tracey and seconded by Brian Dano.**

### **4. Public Hearing - Capital Improvement Program for Town of Merrimack**

Town Manager Paul Micali and Public Works Director Kyle Fox presented the Town's capital projects to the Board.

Mr. Micali began by explaining that RSA 674:7 requires municipal departments, the School Board, the library, and the water district to submit statements of proposed capital expenditures to the Planning Board. For CIP purposes, "capital expenditure" is defined as the purchase, construction, or improvement of land, buildings, infrastructure, or equipment having an associated cost of \$100,000 or more. Even though equipment purchases are part of the CIP, they are not part of the Planning Board review process as a decision was made in years past that only construction projects would be reviewed by the Board.

Chairman Best explained to the newer Board members that the Board will review all of the projects on the Town's CIP and recommend a priority category for each one. They will then do the same for the Merrimack Village District CIP and at a future meeting they will review the School District CIP as well. Mr. Thompson then provided the definition for each of the six priority categories that can be assigned (Urgent, Necessary, Desirable, Deferrable, Premature, and Inconsistent). Mr. Micali added that the Board does not take into account which fund is being used to cover the cost of the line item, the information is provided for benefit of the Town Council but is not needed to determine priority status.

Mr. Micali briefly reviewed a few key projects that are included in the 2023-2024 Fiscal Year (FY) including but not limited to:

- The Safety Complex: This project has been on the CIP for a long time and has been moved around several times. The Town has worked with an architect on a design plan but is having a difficult time finding a location that meets the needs of the project. The complex will include the central Fire Station, and the Police and Building Departments so there is a need for a minimum of 7-10 acres of land.
- South Fire Station: Updates are needed to the South Fire Station that include enlarging the bays to allow more room to walk around the vehicles when they are parked inside and adequately separating the living quarters from the emergency bays.
- Retro Fit Drainage for MS4 Permit Compliance: This is a new project that has recently been added to the CIP and will begin with a study to determine what is needed to remain compliant with EPA MS4 permitting program from the federal government.
- DWH Crosswalk at Shaw's: This is also a new addition to the CIP and will begin with a design phase to determine the best placement for the crosswalk to connect to the existing sidewalks.
- Bridge Replacement – US 3 (DW Highway) and Wire Road Intersection Improvements: Due to their proximity to each other, these two projects are going to be worked simultaneously. Preliminary discussions with the abutters of Wire Road have begun but construction of the intersection is being moved up to 2025 to coincide with the US Route 3 bridge project.
- Souhegan River Trail: This project includes the construction a multi-use trail that will connect Watson Park to the pedestrian bridge over the Souhegan River that is adjacent the Everett Turnpike Bridge. The trail is proposed to run under the Chamberlain Bridge through the sluiceway and across the former impoundment area of the Merrimack Village Dam. Bids are currently being accepted for this project.

*Vice Chair Paul McLaughlin arrived at 6:53, Nelson Disco returned to alternate status.*

Nelson Disco commented that he would like to see the Town set aside some money each year for the construction of sidewalks within the Town Center. Chairman Best added to Mr. Disco's comment by thanking the Town Council for the sidewalks that they have already approved throughout town. Several Board members offered their varying opinions on the Wire Road intersection project and they decided that they would comment individually on the project and not as a Board.

There was no public comment.

**The Board voted 7-0-0 to assign priorities to the projects presented, indicating that all projects would be ranked as Priority II (Necessary) except for the following projects that were ranked as Priority III (Desirable):** Naticook Road Triangle & Drainage Improvements, Merrimack River Boat Ramp Access Improvement - Griffin Street, DWH Sidewalk Improvements Plan (2021 TAP Applications) (FY 2032), and New Athletic Fields, **on a motion made by Paul McLaughlin and seconded by Barbara Healey.**

#### **5. Public Hearing - Capital Improvement Program for Merrimack Village District**

Mr. Thompson prefaced the presentation by advising the viewing audience that Merrimack Village District is a separate entity of government and has their own Capital Improvement Plan. However the six priority rankings, (Urgent, Necessary, Desirable, Deferrable, Premature, and Inconsistent) are the same.

MVD Superintendent Ron Miner and Keith Pratt, Underwood Engineers, presented MVD's capital projects to the Board. Mr. Pratt started by reviewing the layout of the CIP, explaining that the projects are broken down into six categories (Supply, Treatment, Distribution, Storage, Equipment and Town Coordination). He also explained that the Supply projects that are listed will only be executed if needed since sometimes as they work through the list supply needs change. This sparked a conversation about the water supply in town and Chairman Best asked if there are any plans to increase the supply so that the odd/even watering ban can ever be lifted. Mr. Pratt responded that the additional summer usage is hard to manage and that he does not believe that the MVD has a goal in mind to lift the ban, however the supply projects being proposed may allow them to lessen the restrictions. Mr. Miner added that he does not see an end to the odd/even watering ban as it is part of the MVD conservation plan. Chairman Best urged the District to work toward securing a sufficient water supply such that the practice of add/even watering days can be ended in the future.

Mr. Pratt then reviewed some key projects from the MVD CIP including but not limited to:

- New Well Site Installation at Mitchell Woods: This well is expected to dispense 250-300 gallons per minute.
- Artificial Recharge at Wells 4 and 5: The recharge will increase the gallons per minute for both of these wells to improve the water supply by pumping water from the river into a retention basin to artificially recharge the aquifer.
- PFAS Treatment: There are currently six wells that service the town and 4 of the six have been modified to treat for PFAS (Wells 4, 5, 7 and 8). The other two wells (2 and 9) are also being renovated and are anticipated to be done by June.
- PFAS Water Main Extensions: This project is focused on extending the water service throughout town to eliminate the private wells that may be contaminated with PFAS.

Chairman Best asked how the well upgrades were funded and Mr. Pratt explained that it was a combination of the settlement agreement with St. Gobain, grants and user funding. Mr. Pratt shared his recommended priority rankings with the Board.

**Public Comment**

Richard Foote (129 Indian Rock Road) asked if the Planning Board takes water usage into consideration when approving new projects in town. Mr. Thompson advised Mr. Foote that every application that is submitted to the town is provided to the applicable water supplier (MVD or Pennichuck) for feedback. Chairman Best added that single family houses tend to use more water than apartment complexes because they water their lawns and sometimes have swimming pools that need to be filled. Mr. Pratt stated that the average single family home uses approximately 200 gallons per day while an apartment uses roughly 100. Merrimack residents in general use more water on average than other neighboring towns.

**The Board voted 6-0-1 to assign priorities to the projects presented, indicating that the following projects would be ranked as Priority I (Urgent):** New Well at Mitchell Woods and Artificial Recharge at Wells 4 and 5; **all other projects ranked Priority II (Necessary) except the following ranked as Priority III (Desirable):** Portable Pressure Pump/High Service, Distribution System Improvements, & Well, Tank, Pumping Facilities, **and that any project that was not of a cost of at least \$100,000 or an ongoing/regular budgetary expense was not prioritized (as it would not meet the definition of a capital project) on a motion made by Maureen Tracey and seconded by Brian Dano. Paul McLaughlin abstained.**

6. **James Gadbois (applicant/owner)** - Review for consideration of a Conditional Use Permit to construct a Detached Accessory Dwelling Unit above an existing (detached) garage. The parcel is located at 85 Patten Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6C, Lot 394. Case # PB2022-34

Mr. Thompson prefaced the presentation by explaining that the applicant will need to apply for a variance for the size of the ADU and provide verbal confirmation that he will be living in one of the two units.

James Gadbois presented the application to the Board. He began by providing the dimensions of the unit and explaining that the living space will be under the 1000 square foot requirement. Mr. Thompson interjected to explain that since the ADU is detached the requirement is 1000 square feet or 50 % of the primary unit *whichever is less*. The primary house is 1232 square feet so the ADU can only be 616 square feet. Mr. Gadbois stated he has no problem applying for the variance and confirmed that he will be living in the primary house.

Mr. Thompson and Chairman Best briefly walked Mr. Gadbois through how the Zoning Board process works and where to apply for the variance.

There was no public comment.

**The Board voted 7-0-0 to grant conditional final approval on a motion made by Paul McLaughlin and seconded by Neil Anketell. The following conditions apply:**

1. The applicant shall seek & obtain a variance from the Zoning Board of Adjustment from the following Sections of the Zoning Ordinance:

- a. Section 2.02.1.C.2.c in order to permit a detached ADU larger than 50% of the size of the Principal Dwelling Unit (PDU) whereas a maximum of 50% of the size of the PDU is permitted.

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

1. The applicant shall adhere to the criteria listed under Section 2.02.1.C.2 of the Zoning Ordinance pertaining to conditional use permits for a detached ADU.
2. If this 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, then the approval shall be null and void. Issuance of a building permit shall be considered a sufficient action to vest an approval for a conditional use permit for a detached ADU. However, should any building permit expire unused after the conclusion of the two-year validity period provided for herein, the conditional use permit granted shall become void as well. 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 permit granted within two years. 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. **Hoyle, Tanner & Associates (applicant) and BAE Systems, Inc. (owner)** – Review for acceptance and consideration of final approval of a site plan for the construction of a 5,000 square foot support building, two “radome” structures, and other associated improvements. The parcel is located at 130 DW Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 6. Case # PB2022-35.

**At the applicant’s request, the Board voted 7-0-0 to continue the application’s acceptance and public hearing to November 15, 2022 on a motion made by Brian Dano and seconded by Paul McLaughlin.**

8. **Black Diamond Holdings, LLC (applicant) and MM Realty Trust (owner)** – Review for acceptance and consideration of final approval of a site plan for the redevelopment of an existing automotive/junkyard use into a 102,600 square foot warehouse and associated site improvements. The parcel is located at 734 DW Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 7E, Lot 31. Case # PB2022-36.

Mr. Thompson introduced the project by explaining that the applicant is proposing to discontinue the current junk yard use of the property and to construct a 102,600 square foot warehouse building. The warehouse use is not permitted in the C-2 however the applicant did obtain a variance from the ZBA in July 2022. Staff is recommending that the architectural design of the building be discussed to ensure the plans comply with the regulations and since peer review comments have not been received, the project should be continued to the November 15<sup>th</sup> meeting.

Matt Peterson (Keach Nordstrom Associates, Inc.) and applicant Chris Strickland (Black Diamond Holdings) presented the application to the Board. Mr. Peterson began by sharing an aerial view of the property and providing a brief description of the surrounding area. He shared his opinion that the proposed use will fit nicely with the other businesses in the area and that discontinuing the junkyard use will also be a benefit to the Town.

Mr. Peterson then shared the site plan to walk through some of the details of the proposal including the location of the loading docks, the parking lot plan and drainage. He advised the Board that DES advised them that they cannot remove any soil from the premises during construction, so he used the Grading and Drainage plan to point out the location of several berms that are being proposed. He shared with that Board that the architectural plans that were submitted were just something that they threw together to meet the submittal deadline and are not the final plans. The applicant went to Town Hall to look at plans for other similar projects that have been approved in Town and they were also hoping to get direction from the Board.

Chairman Best shared his opinion that a combination of architecture and landscaping is all that is necessary to make a building look good. Mr. Thompson added that there is a requirement in the regulations that the building facade needs to be broken up and questioned if the Board would consider a waiver for this. Councilor Healey commented that it depends on how it looks.

Nelson Disco stated that from an architectural standpoint, the portion of the building that faces the turnpike needs to be considered as well because they are widening the turnpike and will be removing a lot of the trees. He added that he is going to be looking closely at both the landscaping and architecture plans for this site.

Chairman Best commented on how impressed he is at the upkeep of the site as junkyards typically create a lot of environmental concerns. Mr. Disco asked for a copy of the environmental study and Mr. Peterson stated that he will submit it for the next meeting.

Councilor Healey asked how many loading bays are being proposed and Mr. Peterson responded that 16 bays are shown on the plan. Councilor Healey raised concerns about traffic, especially with tractor trailer trucks on DW Highway because of all of the newly proposed warehouse uses. Mr. Peterson stated that DOT has requested a full traffic study so they are in the process of preparing that now and added that the trucks from this location will not be on DW Highway for long, as they will generally head straight to the highway access to the North of the site in Bedford.

**The Board voted 7-0-0 to accept the application as complete for review, on a motion made by Paul McLaughlin and seconded by Brian Dano.**

There was no public comment.

**The Board voted 7-0-0 to continue the public hearing to November 15, 2022 on a motion made by Brian Dano and seconded by Neil Anketell.**

- 9. RH Cars (applicant) and Sunnyside Merrimack Real Estate Holding, LLC (owner) -** Review for consideration of a waiver of full site plan review to allow for self-storage of personal vehicles, travel trailers, power sports equipment and the like, in addition to the existing used automotive vehicle sales and repair uses. The parcels are located at 113 and 115 DW Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D Lots 18 & 18-1. Case # PB2022-37.

*Nelson Disco was appointed to vote for Brian Dano, who recused himself from this application.*

Mr. Thompson summarized the project and added that the applicant submitted a site plan that does not reflect the most recent upgrades to the site so a corrected plan will need to be submitted. He also noted that DPW is concerned about vehicles with gasoline and oil being stored outside and are recommending that an oil/water separator be installed to the catch basins if they are not

already. The application does not need to be accepted as complete as they are seeking a Waiver of Full site plan and staff is recommending that the Board grant conditional final approval with the conditions outlined in the staff memo.

Chad Branon (Fieldstone Land Consultants) and applicant Rasoul Hosseinian, presented the application to the Board. Mr. Branon began by providing a description of the property in question which includes two lots (2D/018 and 2D/018-01) and equals approximately 8.97 acres. The owner was before the Board in 2019 for a site plan expansion in which they added a second parking lot to parcel 2D/018-01. Since that time, used car inventory has diminished so the applicant would like to expand the use to include self-storage of personal vehicles, travel trailers, power sports equipment and the like. He added that the use is allowed in the I-1 district and clarified that the new parking area on lot 2D/018-1 would be utilized for the storage component of the business and the used car inventory would remain on the lot with the building (2D/018). Mr. Branon stated that they have no concerns with staff's proposed conditions of approval and will gladly add oil/water separators to the catch basins if they are not already in place. He described the lighting and security measures that are on site and clarified that they are not intending to make any site modifications before taking questions from the Board.

Neil Anketell asked if they plan on using all of the spaces in the parking lot on lot 2D/018-01 for the storage component of the business. Mr. Branon replied that he is hoping to use the entire lot for vehicle storage and clarified that he will only be storing working vehicles that are registered. Mr. Anketell asked if they intend to storage containers or if it will be strictly vehicles because he does not want to see the site turn into a junkyard. Mr. Branon confirmed that there will not be any storage containers stored onsite. Mr. Thompson interjected to state that the Board can add a condition of approval requiring vehicles to be registered and to prohibit the storage of pods and shipping containers.

Chairman Best stated that he supports that proposed condition and would also like to add one that stipulates that wrecked cars awaiting repair should not be allowed on site. He also asked Mr. Branon to clarify where the car sales inventory will be stored to ensure there is no confusion between what is for sale versus what is being stored. Mr. Branon stated that the vehicles for sale will be in the lot that houses the building (2D/018) and the storage spaces will be in the new lot that was approved in 2019 so there is definite distinction between the two. Chairman Best commented on how stark the site looks with the addition of the chain-link fence and wondered if there is a way to soften the aesthetic. Mr. Branon explained that the fence became necessary because there was a period of time that thieves were stealing parts from vehicles on used car lots. The addition of the fence and security system has helped tremendously with the theft problem.

Councilor Healey agreed with Chairman Best that site is not aesthetically pleasing, especially since it is one of the first sites you see when you're coming into town from the south. She encouraged the applicant to add some shrubbery or something to enhance the site's appearance.

Various Board members shared their comments and concerns regarding the look of the fence and the question of lighting was raised. Mr. Branon did not have the lighting plan that was approved in 2019 with him, but confirmed the lights were installed according to the plan and the parking lot is well lit. Mr. Hosseinian shared a live video feed of the lot to show how bright it is.

Mr. Disco asked if the rental of the storage spaces was going to be handled through RH Cars and Mr. Branon confirmed that everything will be handled as RH Cars, the storage is just an expansion to the sales business.

### **Public comment**

Bill Fallon (12 Merrimack Drive) raised a concern about delivery of vehicles because a car carrier that was delivering cars to the site once parked in the middle of DW Highway and blocked traffic.

Chairman Best reminded the applicant that delivery trucks need to pull into the site to drop off vehicles.

**Finding that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations, the Board voted 7-0-0 to grant the waiver of full site plan review on a motion made by Barbara Healey and seconded by Nelson Disco.**

**The Board voted 7-0-0 to find that with the waiver of full site plan review, the proposed conditions of approval, as well as the application meet all applicable regulatory requirements necessary, and to grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified on a motion made by Barbara Healey and seconded by Neil Anketell:**

1. Final plans to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans.
2. The applicant shall obtain all required State approvals/permits, note the approvals/permits on the final plans and provide copies to the Community Development Department, as applicable.
3. The applicant shall provide draft copies of any applicable legal documents for review at the applicant's expense, by the Town's Legal Counsel.
4. Any waivers granted (including applicable regulation, section and date granted) and/or any changes requested by the Planning Board shall be listed and fully described on the final plan, as applicable.
5. The applicant shall note that the storage use is limited to the parking area located on lot 18-1;
6. The applicant shall note on the plan that any vehicle sales on lot 18-1 will take place in the row of parking adjacent to DW Highway, and that vehicles for sale shall not be co-mingled with the vehicles and other items being stored on the site associated with the self-storage use.
7. The applicant shall address any forthcoming comments from the Public Works Department, as applicable.
8. The applicant shall address any forthcoming comments from the Wastewater Division of Public Works, as applicable.



9. The applicant shall address any forthcoming comments from the Fire Department, as applicable.
10. The applicant shall address the following Planning Staff Technical Comments:
  - a. Applicant shall revise Note 18 to clearly indicate the parking calculation for both the automotive sales & service uses as well as the self-storage use.
  - b. Applicant shall add a note that reads “No salt or chemical de-icers are to be used for winter maintenance, and winter maintenance shall be performed by a Green Sno-Pro certified (or functional equivalent certification) contractor.”
  - c. Applicant shall revise Note 19 to include that excess snow not capable of being stored within the delineated snow storage areas on site shall be removed from the site.
  - d. Applicant shall delete the following notes from the plan as they are not applicable:
    - i. The certification statement regarding following the Subdivision Regulations regarding storm drainage.
    - ii. Certification statement regarding making all proposed improvements (but owner signature is still required on the plan).
    - iii. Note 16 regarding site lighting.
    - iv. Note 21 regarding potential additional erosion control measures during construction.
    - v. Note 24 regarding proposed disturbed area.
    - vi. Note 29 regarding the project being subject to Chapter 167 of the Merrimack Town Code.
  - e. Applicant shall provide an operations and maintenance plan for the existing stormwater system pursuant to Note 28 on the plan.
  - f. Applicant shall verify any proposed improvements that have carried over from the previous site plan to this plan have been completed and if so, remove them from this plan (e.g. existing flood light labeled as to be removed).
  - g. Applicant shall change any note that proposes construction or installation of something (e.g. proposed site light) to existing.
  - h. Applicant shall show the existing chain link fence that surrounds the property on the plan.
11. The applicant shall address any conditions imposed by the Planning Board at the hearing, as applicable.

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

1. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant.
2. The applicant shall address any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable (that are not deemed precedent conditions).
3. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).
4. The self-storage use of lot 18-1 shall be limited to registered vehicles only.
5. There shall be no storage of portable storage containers (such as P.O.D.S. or Mi-Box style containers) on the site.
6. No vehicles that are being repaired or having service done on them (either by RH Cars or any other repair business), are allowed to be stored on the site.

**10. John J. Flatley Company (applicant/owner)** - Review for consideration of an amendment to a previously approved Mixed Use Development Conditional Use Permit, calling for the replacement of the previously proposed 20,000 square foot planned retail space with a 52,000 square foot self-storage facility. The parcels are located at 645, 673, 685, 703, and 707 DW Highway and 5 Gilbert Drive in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 3-1, 3-3, 3-4, 3-5, 3-6, and 3-7. Case # PB2022-38.

*Brian Dano returned to the Board. Vice Chair Paul McLaughlin assumed the Chair and Nelson Disco was appointed to vote for Chair Robert Best, who recused himself from this application.*

Mr. Thompson offered a brief overview of the project indicating that this amendment to the CUP is requesting to replace 20,000 square feet of retail space with a 52,000 square foot self-storage facility. Mr. Thompson noted that there was a discrepancy in the size of the building on the plans provided, as application materials and public notice call for 52,000 square feet and the Master Site Development Plan indicates 73,400 square feet. If the size is truly 73,400 and not 52,000 as noticed, that is a significant difference and the project would need to be re-noticed to abutters. Mr. Thompson also advised the Board that there were two traffic studies that were submitted with this application, (short and full). Both have been sent to Fuss & O'Neill for peer review and comments have not been received at this time. In addition to the revised traffic study, a revised fiscal analysis was also received which shows a \$228,000 increase to the annual positive tax impact from the previous analysis. If the CUP amendment is approved, the Development agreement will also need to be amended and staff would look to the Board for feedback on project phasing at that time. Currently, peer review comments have not been received, and there is an active site plan violation on the Phase 2 Flex Industrial Site because the contractor removed trees that were supposed to remain in place. Finally, staff is recommending that the project be continued until the November 15<sup>th</sup> Planning Board meeting.

Chad Branon (Fieldstone Land Consultants) Scott Thornton (Vanasse & Associates) and Kevin Walker (John J. Flatley Company), presented the application. Mr. Branon began by providing a

description of the lots in question as well as an overview of the uses approved within the CUP and the project phases.

Mr. Branon shared the Master Site Development Plan to demonstrate the location of the proposed self-storage facility. He clarified that the building will be 52,000 square feet and the 73,000 was a misprint as it was carried over from a plan from another town. The proposed building is a two story climate controlled self-storage facility. This new use has a better fiscal impact and will most likely cause less traffic than the previously approved retail use. Mr. Branon addressed the site plan violation on the Phase 2 Flex Industrial location by advising the Board that they will be submitting a revised landscaping plan for consideration on the next submittal deadline (October 25<sup>th</sup>). He stated that he is hoping that the Board and staff will allow them to move forward with the CUP amendment and hold up the Certificate of Occupancy for the Flex site until the violation is resolved. Mr. Thompson clarified that the current staff position is that they can move forward with obtaining a conditional approval for the CUP amendment but that the Amended CUP would not be signed for final approval until the amended Flex Industrial site plan, addressing the landscaping violation to the Board's satisfaction, is conditionally approved by the Planning Board.

Mr. Disco expressed his dissatisfaction with the removal of the trees along DW Highway and added that he wants to see a good landscaping revision to replace what was lost. Mr. Branon stated that he understands how the Board feels and they will be back with a revised landscaping plan shortly for the Flex Industrial site but the amendment to the CUP is their focus for this meeting so they did not come prepared to discuss anything related to the other sites.

Maureen Tracey asked for clarification on what is being requested and Mr. Branon used the Master Site Development Plan to show the location of the proposed self-storage facility which is set apart from the other retail buildings. Converting the use to self-storage would allow all of the retail to remain together in one area and bring in a service that could be beneficial to the residents at Gilbert Crossing. Flatley has had success with other properties that include both self-storage and residential uses and wanted to incorporate that in this development

Mr. Disco asked what the facility will look like and Mr. Thompson responded that architectural renderings would be submitted during the Site Plan approval process and it is too soon to request them now. Mrs. Tracey and Councilor Healey both shared their concerns that there is a growing abundance of self-storage facilities in the area and wanted the applicant to be aware of this before moving forward. Mr. Branon shared that the building will blend in with the rest of the development and it is not a branded self-storage company so it will look nicer than most of them out there. He also commented that the John Flatley Company did do a market research study and although he does not know the findings of the study specifically, they must have been favorable because he was asked to move forward with it.

Mr. Thornton spoke briefly about the traffic study stating that self-storage use would be similar to or be a slight reduction from the retail use. Mr. Thompson explained to the Board that revised traffic study takes into consideration the entire site and has more data than the original study did because there are now 5 apartment buildings that were included as existing traffic. The original study was done in 2014 before anything was constructed.

Mrs. Tracey asked if there are any restaurants planned for the site and Mr. Branon used the Master Site Development Plan to show the location of the proposed restaurant and explained that there may also be other small restaurants within the retail buildings.

*There was no public comment.*

**The Board voted 7-0-0 to continue the public hearing to November 15, 2022 on a motion made by Barbara Healey and seconded by Nelson Disco.**

*Chair Robert Best returned to the Board and assumed the Chair. Nelson Disco returned to alternate status.*

**11. Discussion/possible action regarding other items of concern**

None

**12. Approval of Minutes — October 4, 2022**

**The Board voted 5-0-2 to approve the minutes of October 4 2022, as presented, on a motion made by Neil Anketell and seconded by Maureen Tracey. Paul McLaughlin and Brian Dano abstained.**

**13. Adjourn**

**The Board voted 7-0-0 to adjourn at 10:40 p.m. on a motion made by Paul McLaughlin and seconded by Barbara Healey.**