



# 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 3, 2017

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Desirea Falt, Paul McLaughlin, and Alternate Nelson Disco.

Planning Board members absent: Michael Redding and Vincent Russo.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

#### 1. Call to Order

Chairman Best called the meeting to order at 7:03 p.m. and designated Nelson Disco to sit for Michael Redding. He announced that Paul McLaughlin is now a full member of the Planning Board.

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

**The Board voted 7-0-0 to determine that SRS Petroleum Services Site Plan is not of regional impact, on a motion made by Lynn Christensen and seconded by Alastair Millns.**

Tim Thompson informed the Board of the upcoming discussion of traffic for the potential Multi-Family project on Executive Park Drive, and offered electronic or hard copies of the submitted traffic impact analysis.

#### 6. Discussion/possible regarding other items of concern

This agenda item was discussed before agenda item #3.

Skip Moir, 54 D.W. Highway, asked for an extension of site plan approval for Skip's Marine.

Tim Thompson explained that the condition relative to the NHDOT Driveway Permit is in process, but likely will not be completed by the state until the approval would expire. Condition #10 of the April 5, 2017, site plan approval required the applicant to extinguish the existing cross easements that are no longer feasible to construct. The applicant's attorney learned that the easement was actually granted to the Town and carried conditions that reciprocal access rights be received from abutting properties, which never occurred. The only way for the applicant to extinguish the easements is by a Town Council vote. If Town Council does not vote favorably, the applicant would have to return to the Planning Board to request that it remove the condition. The applicant would like the Board to consider removing this condition from the approval. Otherwise

he would need additional time to be placed on the Town Council agenda. The situation is out of the applicant's control. Removing the existing cross-easement would eliminate an opportunity for cross-easements for future development. Staff is supportive of the request to modify the condition.

**The Board voted 7-0-0 to waive condition #10 of the April 5, 2017, site plan approval for Skip's Marine, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

Staff supports a six-month extension.

**The Board voted 7-0-0 to grant a six-month extension of the April 5, 2017, conditional site plan approval for Skip' Marine, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

- 3. Mi-Box New England, LLC. (applicant) and TW Bridge Associates, LLC. (owner)** - Continued review for consideration of final approval for conditional use permit and site plan for the construction of a 39,100 s.f. self-storage facility, with associated site improvements. The parcel is located at 101 Herrick Street in the C-2 (General Commercial), I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-2, Lot 020. **This item is continued from the September 5th, 2017 Planning Board meeting.**

This agenda item was discussed after agenda item #6.

Tim Thompson said the only issue the Planning Board raised on September 5, 2017, was the architectural design of the building. No revised site plans were submitted, however the applicant submitted building elevations indicating a new element of a 40' glass tower on each side with 150 uninterrupted feet between them.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, PLLC, seeks a waiver of the requirement that a façade exceeding 200' shall incorporate wall plane projections or recesses with a depth of at least 2.5% of the width of the entire façade for at least 20% of the length of the façade. The building was designed to accommodate interior storage of Mi-Box units, which requires that there be no jogs in the building. Modification of a glass tower on each end of the proposed building would provide a material change at each end of the building consisting of approximately 40' and would result in an uninterrupted façade of approximately 150'. Observing the requirement would be a hardship for the applicant as it would impact the viability and feasibility of this site and unique business.

Architect J. Brad Weger said there would be an 18" parapet. The roof would be 35' high to store the Mi-Boxes units three high, with space for a forklift and long roof trusses. He is seeking a crisp and softened industrial look with no frills. Desirea Falt had hoped that the building would be more interesting. Tom Koenig would have rather seen more elements because this is a commercial rather than an industrial neighborhood. Chad Branon said being in a divided commercial and industrial zone makes the property unique because there are no architectural standards for commercial uses. Merrimack Building Supply is an industrial building. The white façade would mirror the image of the

white Mi-Box units and would stand out. The towers and the landscape plan that was presented at the last meeting would break up the façade.

Mi-Box New England owner Edward Smith explained the design. The building will showcase and mimic the product. People will likely be coming from all over the country to see the products and how the business operates for possible franchising in other parts of the country. It would be a secure, clean, well-lit and landscaped building, much like his other facilities in the region. As an example, Nashua officials wrote to thank him for re-doing the appearance of his Northeast Boulevard building. The four trucks that work inside this proposed building need a straight wall. The facility would be built into the hill to be energy efficient. Jogs or physical breaks of the façade would interfere with that.

Alastair Millns cited the criterion 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 waive the requirements of Section 12.04.2(b) – Uninterrupted Façade Length – on a motion made by Alastair Millns and seconded by Desirea Falt.**

Brad Weger said mechanicals on the roof would be obscured. The building is large enough that no one would see the screened units in the center. Chad Branon has no objections to staff conditions.

Nelson Disco noted that light would spill over onto Route 3 and neighbors' properties. Tim Thompson stated there are recommended conditions of approval that would require revisions to meet the illumination requirements. Chad Branon said that was addressed on the lighting plan that he will submit after NH Department of Transportation (DOT) review.

Brad Weger said the possible additional office space within the building is for additional Mi-Box office space should it be needed in the future and not for a separate tenant.

Tim Thompson said the self-storage parking requirement is very low because long-term parking is not contemplated there. Mi-Box has more than what is required.

#### **Public comment**

Chris Ross, 403 D.W. Highway, asked whether any boxes would be stored outside, to which Chairman Best replied in the negative.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

**The Board voted 7-0-0 to grant conditional final site plan approval, with the following conditions, on a motion made by Alastair Millns and seconded by Paul McLaughlin.**

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, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
4. The applicant shall note the Conditional Use Permit approval granted by the Board on the final plans and mylars (including Zoning Ordinance Section, and date granted);
5. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
6. The applicant shall address any remaining comments from the town's peer review consultant, CLD, from their August 7, 2017 memo as applicable;
7. The applicant shall address the following comments from the Fire Department, as applicable:
  - a. The Town of Merrimack, Department of Fire Rescue, Office of the Fire Marshal requires (NFPA 1 Chapter 18) that fire department access roads be constructed and maintained so that fire apparatus can effectively operate during an emergency. The location of the access road(s) must provide for positioning of the fire apparatus to allow access to all sides of the structure. Unique building or occupancy conditions may trigger additional requirements from the Office of the Fire Marshal.
    - i. The access roads located on the north and south sides of the proposed building shall be extended to the west wall of the building;
    - ii. The access road located at the south end of the building shall be widened to the required 24' width, while maintaining the 10 foot distance from the south wall of the building;
8. The applicant shall address the following comments from the Public Works Department, as applicable:
  - a. Since there will be utility work done within Daniel Webster Highway the NH DOT should be contacted. Permission should also be granted from NH DOT to adjust the existing filled slopes and to extend the culverts. Drainage easements should be given to the State so that they can come in and repair/maintain the pipes in the future;
  - b. It should be noted that all proposed on-site drainage improvements and facilities will be the responsibility of the owner and will not be the responsibility of the Town of Merrimack. A stormwater management plan should be prepared for the construction of the facility. Reports shall be provided as specified per the Stormwater Ordinance;
  - c. A sight distance plan and profile shall be provided for the driveway entrance to ensure adequate all season safe is obtained (a separate plan was received

- with the revisions, but the sight distance plan/profile needs to be made part of the full plan set). Any necessary tree removal shall be noted on the plan;
- d. Under section 7.05.D.19 all commercial/industrial non-residential site plans shall provide for a paved pedestrian way or sidewalk along all existing or proposed streets;
  - e. Verify that the WB-50 vehicle can be able to enter and exit from the driveway;
  - f. In addition to the typical cross section for the main entrance a typical profile should be added or enough spot elevations shown to depict the entrance detail required under section 4.13.1.c. Due to the steepness and the curve of the driveway, the entrance is to be constructed (raised) such all drainage coming from the street is diverted from the driveway entrance;
9. The applicant shall address any forthcoming comments from the Assessing Department, as appropriate;
10. The applicant shall address the following comments from the Wastewater Division:
- a. Page 5 Notes shall include: All construction shall meet Town of Merrimack Sanitary Sewerage Engineering Standards (revised 2015) or latest revision;
  - b. Design must have a manhole on private property that the force main discharges to then gravity feeds to existing Town sewer manhole by a minimum 6" pipe.
  - c. Relocate sewerage force main from under planting bed. Trees and shrubs WILL eventually damage the line.
  - d. Provide profile of force main and gravity lines to be installed.
  - e. Page 10:
    - i. Detail for sewer manhole 1002- must be core and seal boot- not link seal;
    - ii. Add sewer manhole detail;
    - iii. Add sewer manhole cover detail;
    - iv. Add sewer manhole invert detail;
    - v. E-1 pump specifications:
      1. No flows submitted - must submit flows for proper sizing of pump station;
      2. No info if a backup generator is planned - this information is needed to properly size pump chamber to prevent a sanitary sewer overflow;
      3. E-1 DH-071 specified is unacceptable - E-1 literature specifically states for residential use only;
      4. Show discharge to manhole to be installed;
      5. Indicate 6" pipe from building to E -1 unit;

6. Entirety of E-1 and force main system shall remain on private property and the owner shall have the sole responsibility for maintenance and repair;
11. The applicant shall address the following comments from the Merrimack Village District:
  - a. Where appropriate add "Merrimack Village District is a Non member of the DIGSAFE™ system and must be contacted a minimum of 72 hours for utility mark out in accordance with RSA 374:49";
  - b. The water main extension along Daniel Webster Highway must extend, at a minimum, to the North West corner of the proposed building ending with a hydrant teeing off, where at that point the two individual services (one domestic and one fire sprinkler) can be connected perpendicular to the mainline and service the building;
  - c. Testable cross connection devices based on level of hazard and approved by Merrimack Village District, must be installed on both the Fire Sprinkler Service and Domestic Service.
12. The applicant shall address the following Planning Staff Technical Comments:
  - a. Sheet 6: Applicant shall add a note that outlines specifications on proposed lighting and compliance with Section 11.05.3;
  - b. Verify that the applicable landscape buffering requirements are met and accordingly shown and labeled on the plan or request relief from the Planning Board (waiver request from Section 10.01.4, in writing with justification ), as necessary;
  - c. The applicant should verify the changes that will be made to the slope/drainage easement along DW Hwy with NHDOT, provide documentation of an updated or new driveway permit and a copy of any applicable legal documents should there be updates necessary.

**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. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of a Certificate of Occupancy;
3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;

4. A Stormwater Operations and Maintenance manual shall be prepared for ongoing future maintenance instructions of all of the drainage facilities prior to the issuance of the Certificate of Occupancy. After the Certificate of Occupancy has been issued there shall be annual reports provided to the Town on the entire Drainage system;
5. The applicant shall address the following comments from the Fire Department, as applicable:
  - a. A Supra keybox with appropriate keys or access card shall be attached to any security gates on the property to allow access by fire apparatus;
  - b. Due to the unique conditions of this occupancy extensive exit markings and emergency lighting shall be required. Plans for all emergency lighting and exit markings shall be submitted and approved by this office.
  - c. The building shall be protected by an approved NFPA -13 fire sprinkler system.
    - i. Due to the size of this building as well as the proposed use the building sprinkler system shall be designed for the expected hazard by a licensed NH fire protection engineer;
  - d. The building shall be protected by an approved NFPA-72 fire alarm system.
    - i. Due to the size of this building as well as the proposed use the building fire alarm system shall be designed for the expected hazard by a licensed NH fire protection engineer.
6. The applicant shall address the following comments from the Wastewater Division:
  - a. A Town of Merrimack Wastewater Permit Application must be completed and approved by Ken Conaty before final plan can be approved by the Merrimack Wastewater Department. This permit also generates the appropriate sewer connection fees due the town before building permits can be issued;
  - b. All new sewerage lines and manholes installed are to be private. This system upon completion will be maintained by the owner not the Town of Merrimack;
  - c. All buildings must have an outside backflow preventer (clean check brand or equal) as indicated by Merrimack Sewerage Construction Standards.
7. The applicant shall address the following comments from the Merrimack Village District:
  - a. All customers must adhere to MVD By-Laws;
  - b. All water mains installed after first valve in Right of Way is owned by the property owner;
  - c. All water line plans and construction must comply with Merrimack Village District's current Specifications for Water Main Installation, Extensions, Service and Distribution System regardless of approved plans by Town of Merrimack;

- d. If Requested by Merrimack Village District third party review by an Engineering Firm, Of Merrimack Village District Choosing, at the expense of the Owner/ Contractor(s), must be completed;
- e. Flow demands, if requested by MVD, must be supplied to MVD in graphical format (X axis Hour of day, Y axis anticipated/ estimated usage) with back up data (number of employees, peak/catastrophic fire flows);
- f. All fees must be paid and all applications must be completed prior to start of construction;
- g. Two business days, prior notice must be given to Merrimack Village District for all inspections and commencement of work;
- h. As -built record drawings must be stamped by licensed New Hampshire Surveyor or P.E. (Specifications for Water Main Installation, Extensions, Service and Distribution System; Sec. Z Record Drawings, 4/r) and supplied to MVD in print and electronically via CAD and PDF;
- i. A pre -construction meeting is required to verify the construction timeline and to discuss any planned disruption of service to allow a minimum of 7 calendar days' notice to current MVD customers.

- 4. William Lastowka (applicant) and Land of Goshen, LLC. (owner)** — Continued review for consideration of final approval of a Subdivision Plan for a twelve lot cluster subdivision. The parcel is located at 6 Watkins Road in the R-1 (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 4C, Lot 449. This item is continued from the June 20, July 18, August 15, and September 5, 2017 Planning Board meetings.

Since there was not a full five-member board present at the September 27, 2017, ZBA meeting, the applicant chose to continue the request for a variance to permit the existing improvements (barn, shed, home, etc.) to remain within the 100' landscape buffer to the October 25, 2017, meeting. Additionally, Public Works has not had a chance to finish its review of the revised plans. Therefore the applicant requests that the Planning Board continue consideration of the application to November 7, 2017.

**At the applicant's request, this item was continued to November 7, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Lynn Christensen and seconded by Desirea Falt.**

- 5. SRS Petroleum Services, LLC (applicant/owner)** — Review for acceptance and consideration of final approval of a proposed 694 sq. ft. office space addition, along with the installation of two above ground fuel storage tanks and associated site improvements. The parcel is located at 6 Wright Avenue in the I-1 (Industrial), C-1 (Limited Commercial), and Aquifer Conservation Districts. Tax Map 4D-3, Lot 091.

Tim Thompson said the applicant is proposing to remove an existing 720 s.f. modular structure that is attached to the existing building and replace it with a permanent 694 s.f. office addition, resulting in a total building area of 5,751 s.f. The applicant also proposes the installation of two 3,000 gallon diesel fuel storage tanks and associated



site improvements. Planning and Zoning Administrator Robert Price determined that the tanks are structures and are in the front setback. The applicant must either revise the plan or appear before the ZBA to seek a variance.

Garrett Piccirillo, Civil Engineer, MHF Design Consultants, Inc., said the site is mostly abutted by other industrial uses on Wright Avenue and some retail uses on D.W. Highway. There is an undeveloped residential lot (YMCA) across the street. The lot is 1,000' from the Merrimack River.

On October 2, 2017, the Merrimack Conservation Commission (MCC) made minor comments, such as no phosphate fertilizers or hay bales and installation of an oil-water separator. Chairman Best added that the MCC comments are not minor, since they also noted lack of storm water drainage, steep runoff and visible erosion. If left unchanged, it will continue to flow solids into the wetland. Garrett Piccirillo agreed to install an oil-water separator. He said the truck washing pad already has one that ties into the municipal water system. Another separator would have to tie in there as well. The applicant proposes to retain the existing drainage patterns. All water flows to the northeast. It would be a challenge to provide certain levels of treatment because there is no system to tie into. Impervious area would be decreased by 26 s.f. Site improvements are to remove the temporary office trailer (720 s.f.), leave 5,057 s.f. of permanent office space/warehouse, add a permanent addition at the southwest corner (694 s.f.), improve parking, construct a concrete sidewalk in front of the building, add an ADA parking space, and install a 6,000 gallon above ground diesel storage tank (two 3,000 gallon compartments). NH Department of Environmental Services (DES) approved the fuel tank installation on August 17, 2017.

The applicant learned that this is a "structure" only today. He will relocate the tank and pad to the back, outside the 50' setback, obviating the need for a ZBA variance. Some parking would be reoriented and relocated. A revision will be submitted in the next two weeks.

Tim Thompson informed the Board that PWD (Public Works Department) comments arrived today. They want the applicant to reduce the width of the site access points, remove extra pavement, not allow traffic to back onto Wright Avenue from parking spaces, submit a storm water drainage and maintenance plan, show the wetland on the plan, make the driveway 36' maximum, show underdrains, outfalls and grade swale, and obtain a Right-of-Way Permit from the Highway Division.

Jeff Liquori, Regional Manager, SRS Petroleum Services, LLC, said the business is petroleum construction (install gas stations, do DOT and federal work) with Merrimack as the main hub/staging area for construction equipment. There are 32 employees in New England. Fuel is used on this site. 75% is for storing vehicles, tools and equipment. The entry level would be for offices of 500-600 s.f. each; the second level would be for project engineers. The addition would be for more office space for engineering staff. SRS inherited the existing trailer, which is not used. The only new items are the oil-water separator and wash pad.

Tim Thompson said there is a site plan that pre-dates the current application, from the previous owner R.H. White Construction, but that staff has not had a chance to review that plan as it relates to the existing conditions on the site at this time.

Garrett Piccirillo said there is a steep embankment that drops off to a potential wetland 100' away. Since the drainage is not proposed to be modified, he did not hire a wetland scientist to map the wetland.

Jeff Liquori said maintenance is done in the building on the north side of the property. A waste oil burner and double walled tank are used; there are no floor drains, paints, or hazardous chemicals. The pavement is irregular because the underground fuel tanks were removed by the previous owner. Garrett Piccirillo will verify their removal.

Chairman Best said the applicant should have done an environmental study when he purchased the property. The MCC warned about the drainage problem and that work on site would add to it. Garrett Piccirillo wants to avoid installing a closed drainage system on the three-acre site, which is expensive and creates maintenance issues. He prefers a treatment swale or a bio-retention basin along the edge. He would have to discuss it with the owner and must find a place that does not hinder daily operations. Chairman Best opined that a Stormwater Permit may be necessary. Tim Thompson added that CLD had not done a review for this submission, but would have to review the plan if the drainage is modified and a stormwater management analysis is performed.

It was the Planning Board consensus to improve the drainage.

Staff recommends that the Board vote to accept the application, if the applicant is willing to start the statutory 65 day clock under RSA 676:4, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The applicant indicated their willingness to start the statutory clock and move forward with acceptance.

**The Board voted 7-0-0 to accept the application for review, on a motion made by Lynn Christensen and seconded by Alastair Millns.**

### **Public comment**

Chris Ross, 403 D.W. Highway, supports the project. He has expressed the following concerns for four years. Because the Fire Department wanted an access road to Wright Avenue from his own property, he put in a ramp. The Fire Department does not want parking against the building. There is a severe drainage problem. Water does not go to the rear of the property; it sheets onto the Ross property. Chris Ross distributed photos of the property in a rainstorm. It turns into a pond in the center of his property. Chris Ross distributed photos to show that there is so much water that it pushes rocks down the culvert, onto his lot and into the wetland. Hydraulic and diesel fuel are also on site. Underground drainage and water containment should be designed for the SRS site. R.H. White's buffer/chain link fence should be put back for containment. Removing the fence and berm created a drainage problem for Chris Ross. Trash comes over the edge. A wetland scientist should delineate the wetland. The mess dumped in the wetland should be cleaned up.

Jeff Liquori said all materials are taken to a recycling facility; no important materials are left on site.

**By consensus of the Board, a site walk was scheduled for October 21, 2017, at 9:00 a.m.**

Garrett Piccirillo will seek a waiver from the requirements of Section 7.05(d) – Sidewalks – on Wright Avenue. There are no sidewalks on D.W. Highway or on Wright Avenue. Without a connection, it would be a sidewalk to nowhere.

**The application was continued to December 5, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco.**

#### **7. Approval of Minutes — September 19, 2017**

The minutes of September 19, 2017, were approved as submitted, by a vote of 5-0-2, on a motion made by Lynn Christensen and seconded by Nelson Disco. Tom Koenig and Desirea Falt abstained.

#### **8. Adjourn**

The meeting was adjourned at 8:32 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.