



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY, OCTOBER 5, 2021

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, October 5, 2021 in the Matthew Thornton Room.

Paul McLaughlin, Vice Chairman, presided.

Members Present:

- Neil Anketell
- Lynn Christensen
- Jaimie von Schoen
- Nelson Disco – Alternate
- Town Councilor Barbara Healey - Ex-Officio

Members Absent:

- Robert Best (Chairman)

Staff Present:

- Casey Wolfe, Assistant Planner

1. Call to Order

Paul McLaughlin called the meeting to order at 7:02 p.m. and appointed Nelson Disco to sit for Robert Best.

2. Planning & Zoning Administrator's Report

The Board voted 6-0-0 to determine that the HCOP/Pennichuck Lot Line Adjustment is not of regional impact, on a motion made by Lynn Christensen and seconded by Barbara Healey.

3. RGGGS Realty, LLC (applicant) and Starten Realty, LLC (owner) - Conceptual discussion regarding the addition of a gas station and drive-thru coffee shop at the site of an existing car wash. The parcel is located at 376 DW Highway in the C-2 (General Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 002. Case #PB2021-38.

Casey Wolfe prefaced the presentation by reminding the Board that this is a conceptual discussion only and a formal application has not been submitted at this time.

David Frothingham (Wilcox & Barton, Inc.) was present on behalf of the applicant to discuss the conceptual plans with the Board. He began by explaining that the applicant would like to add a

gas station with a drive through coffee shop and convenience store to the site and shared conceptual plans for the layout of the additions being proposed. He clarified that the car wash will remain and the existing car detailing space would be repurposed to the coffee shop, with one bay being used for the coffee shop itself and the other one for the drive through lane. Mr. Frothingham also mentioned that staff had noted in their memo that a bypass lane will most likely be required by the Fire Department for the coffee shop drive through. He indicated that this is something that they can discuss with the Fire Department and believes there is enough space to accommodate another lane in that area. He went on to explain that the site will be accessed through the existing entrance on DW Highway, but they would be looking to widen the existing curb cut to improve truck access in and out of the site. Lynn Christensen asked where the fuel trucks will re-fuel the pumps and Mr. Frothingham replied that this will occur in the north part of the lot and will need to be scheduled when the coffee shop is not open for business. Chairman McLaughlin asked about snow removal and Mr. Frothingham stated that there is not room on site for snow storage so a removal plan would need to be implemented.

Nelson Disco asked if an existing conditions plan will be submitted with the site plan application and Mr. Frothingham replied that all of the necessary plans will be included with the site plan once they submit an application for approval. Neil Anketell commented that they will also need to see a truck turning template for the site, and Mr. Frothingham responded that he has already done the calculations and with the proposed changes to the site, a truck with a maximum bed of 48 feet could maneuver the parking lot. Ms. Wolfe added that since the use of the building is changing, the Fire Department will require sprinklers to be installed in the building. Mr. Disco advised the applicant that the Board has also been requiring sidewalks along the DW Highway for all new projects.

Chairman McLaughlin asked if the exit would be a right turn only and Mr. Frothingham commented that a traffic study would be needed to determine the appropriate traffic pattern.

4. **HCOP Merrimack, LLC and Pennichuck Corporation (Applicants & Owners)** - Review for acceptance and consideration of final approval for a lot line adjustment. The parcels are located at 25 and 29 Manchester Street and 10 Al Paul Lane in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D Lots 004-5, 004-6 & 004-7. Case # PB2021-39.

Casey Wolfe prefaced the presentation by advising the Board members that the applicant is proposing a simple lot line adjustment of three lots that will result in two of the lots losing square footage and one lot gaining it.

Steven Auger (Hayner/Swanson, Inc.) was present to review the proposed lot line adjustment (LLA) with the Board and began by sharing a copy of the relocation plan that outlines the existing layout of the lots in question. He provided a brief history of the lot owned by Pennichuck Corporation (2D/004-07) and explained that the proposed LLA will take a combined total of 40,625 square feet from lots 2D/004-05 and 2D/004-06 and transfer it to lot 2D/004-07. He used the relocation plan to demonstrate the land that is impacted by this proposal.

Mr. Auger then discussed the three waivers that are being requested for this project. The first waiver being requested is the requirement for a topography plan (section 4.06.3). Mr. Auger stated that there is no proposed development associated with this lot line relocation so providing topographic information on three lots that total 15 acres in size offers no benefit. The second waiver is to waive the requirement for sidewalk construction along the Manchester Street frontage (section 4.20.2). Mr. Auger reiterated that the purpose of this lot line relocation plan is

simply to better prepare Lot 2D/004-7 for future development. No new development will result from approval of this plan. The last waiver request is to waive the requirement for the submittal of drainage calculations as part of a storm drainage system design (Section 4.16(d)) as there is no new development planned for the site at this time. Mr. Auger clarified that these waivers are just for the LLA and if they come back with a development plan for the lot, the applicant will comply with the site plan requirements.

Councilor Healey mentioned that the Heritage Commission is concerned about access to Simonds Rock and Mr. Auger clarified that the rock is on a separate lot (2D/004) which is an abutting lot to this proposal so there is no impact. Mr. Disco asked if there is an easement on the lot that is gaining the land (2D-004-07) and Mr. Auger replied that there is an existing access easement and used the plan to demonstrate where it is located.

The Board voted 6-0-0 to accept the application as complete, on a motion made by Lynn Christensen and seconded by Neil Anketell.

The Board voted 6-0-0 to grant waivers to Sections 4.06.3 (topography plan), 4.20.2 (pedestrian ways and sidewalks), and 4.16(d) (drainage calculations) on a motion made by Lynn Christensen and seconded by Barbara Healey.

The Board voted 6-0-0 to grant conditional final approval, on a motion made by Lynn Christensen and seconded by Jaimie von Schoen. The following conditions apply:

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 any required State approvals/permits applicable to the project and provide copies to the Community Development Department, as applicable.
3. The applicant shall note any waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable.
4. The applicant shall provide draft copies of any applicable legal documents for review, if applicable and at the applicant's expense, by the Town's Legal Counsel.
5. The applicant shall address any forthcoming comments from other municipal departments & boards/commissions, as applicable.
6. The applicant shall address the following Planning Staff Technical Comments:
 - a. Adjust the numbering in the "notes continued" section so that number 9 is not repeated twice.
 - b. Section 4.18.a – The iron pin indicated as having been set to delineate the location of the lot line along Manchester Street separating the lots 4-6 and 4-7 shall be a concrete or granite bound marker as required by the regulations.
 - c. Add a note that lists the existing & proposed frontage for each parcel.

- d. Amend note #4 to list Pennichuck Water Works, not Merrimack Village District.

The following items would be “General and Subsequent Conditions of Approval” at the appropriate time:

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 address the any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable.
 3. 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).
- 5. Discussion/possible action regarding other items of concern.**

The Board voted 6-0-0 to grant a 6 month extension of conditional approval for the Flatley CUP Amendment, on a motion made by Lynn Christensen and seconded by Nelson Disco.

6. Approval of Minutes — September 21, 2021

The Board voted 4-0-2 to approve the minutes of September 21, 2021 as drafted on a motion made by Lynn Christensen and seconded by Nelson Disco. Paul McLaughlin and Barbara Healey abstained.

7. Adjourn

The Board voted 6-0-0 to adjourn at 7:42 p.m. on a motion made by Lynn Christensen and seconded by Neil Anketell.