



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: September 2, 2016

To: Robert Best, Chairman, & Members, Planning Board

From: Robert Price, Assistant Planner

Subject: **Alex Petrenko of Icon Motors, LLC. (applicant) and Moose Mountain Realty Trust (owner)** — Review for acceptance and consideration of a waiver of full site plan review for a change of use to permit automotive sales and service. The parcel is located at 674 D.W. Highway in the C-2 (General Commercial), Aquifer Conservation and PRD Overlay Districts and Wellhead Protection Area. Tax Map 6E-2, Lot 019.

Background

Map 6E-2, Lot 019 is located at 674 Daniel Webster Highway. The parcel is located in the C-2 (General Commercial), Aquifer Conservation and Planned Residential Development Overlay Districts. It is approximately 2.402 acres in size and is serviced by water (MVD) and municipal sewer. The site is the former home of DR Power, and is abutted by the Webster Green condominiums to the northeast, the F.E. Everett Turnpike to the north, properties surrounding and adjacent to Saint Gobain to the south and east, and Crocker Hot Tub & Pool and Depot Farm Stand to the southwest.

The petitioner seeks to establish an automotive service and sales business at the subject property. Both uses were allowed by variance and special exception granted by the Zoning Board of Adjustment in 1995 and both have previously existed on this property. The applicant has represented that his primary focus for the site is with service, but would also like the ability to sell vehicles as well to serve as supplemental revenue. The applicant is proposing 10 spaces for vehicle sales and 34 spaces for service for a total of 44 spaces. Parking is discussed in greater detail under the Parking section below.

Completeness

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Parking

As noted above, the applicant's proposal requires a total of 44 parking spaces. This was derived by utilizing the most restrictive parking requirement, which is for vehicle sales. That calculation requires 1 space per 300 square feet of indoor sales/office area, plus 1 space per every 1,500 square feet of outdoor storage, plus 4 per service bay. The building is 5,240 square feet and has 4 service bays. This translates to 17.5 (18) spaces based on building area, 9.25 (10) spaces based on the outdoor storage area and 16 spaces based on the service bays, totaling 44 spaces.

There are currently 31 striped spaces on site, however, the applicant is seeking to add an additional 15 parking spaces to the northeast of the building where pavement already exists, but striping for

parking spaces was never installed. A read of previous Planning Board minutes during the conceptual review of the DR Power application revealed that parking spaces in this area of the site were shown on a conceptual plan, but were ultimately removed voluntarily by the applicant prior to their submittal of a formal application. If the Board were to approve the addition of these spaces, then there would be a total of 46 spaces on site, exceeding the 44 required of the applicant for his proposal.

Waivers

The applicant has requested a waiver of full site plan review, but no other waivers have been requested. **Staff recommends a sidewalk waiver be submitted in writing** per Section 7.05.D.19 of the Subdivision and Site Plan Regulations, or a determination by the Board that it is unnecessary with the waiver of full site plan review, because this site lies along a section of Daniel Webster Highway that is under the jurisdiction of the NH Department of Transportation, which has indicated they do not support the construction of sidewalks without a comprehensive corridor sidewalk plan endorsed by the Town in place.

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- 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; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation

Should the Board grant the waiver of full site plan review, staff recommends that the Board 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:

1. Final plans to be signed by all property owners and signed and sealed by all appropriate professionals;
2. The applicant shall obtain all required State approvals/permits as may be applicable, note the approvals/permits on the plan and provide copies to the Community Development Department;
3. Any waivers granted (including 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;
4. The applicant shall address any forthcoming comments from the Highway Division, as applicable;
5. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
6. The applicant shall address any forthcoming comments from the Police Department, as applicable;
7. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;

8. The applicant shall address the following Planning Staff Technical Comments:
 - a. Plans shall be updated to reflect approved number of parking spaces, as appropriate (current annotation has 31 spaces listed, but applicant proposes 46);
 - b. Plans shall be updated to reflect a maximum of 10 cars allowed for sale at any given time;
 - c. Update the annotated parking notes to indicate that 44 spaces are required.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant shall address the following comments from the Fire Department:
 - a. This building has an existing NFPA-13 compliant fire sprinkler system that was last updated and modified in 2006 when DR Power renovated the building for its use as a retail store. The existing system has suffered damage from several years of neglect due to the building being vacant and shall be inspected and repaired as necessary by an approved fire sprinkler contractor to bring it back into compliance. Plans shall be provided to this office for review and approval before a permit can be issued.
 - b. This building has an existing NFPA-72 compliant fire alarm system that was installed in 2006 when DR Power renovated the building for its use as a retail store. The existing system has suffered damage from several years of neglect due to the building being vacant and shall be inspected and repaired as necessary by an approved fire alarm contractor to bring it back into compliance. Plans shall be provided to this office for review and approval before a permit can be issued.

Ec: Alex Petrenko, Applicant (alexnjenn813@yahoo.com)
Arien Schiltkamp, Owner (office@iconmotors.biz)
Mark Doyle, Police Chief
Highway Division Staff
Merrimack Village District Staff
Merrimack Conservation Commission

Cc: Planning Board File
Correspondence

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