



# Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

## **MERRIMACK PLANNING BOARD**

### **APPROVED MINUTES**

**TUESDAY, JUNE 5, 2018**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, June 5, 2018 at 7:00 p.m. in the Matthew Thornton Room.

Robert Best, Chairman presided:

Members of the Board Present: Alastair Millns, Vice Chairman  
Neil Anketell (arrived at 7:02 p.m.)  
Nelson Disco, Alternate  
Councilor Thomas Koenig

Members of the Board Absent: Michael Redding  
Dan Ricker  
Lynn Christensen  
Vincent Russo, Alternate

Also in Attendance: Tim Thompson, AICP, Community Development  
Director

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

The next meeting of the Planning Board will be conducted on June 19, 2018 at 7:00 p.m. in the Matthew Thornton Room.

Chairman Best appointed Nelson Disco to sit for Michael Redding.

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

Tim Thompson spoke of the memorandum for Regional Impact for the Bowers Landing of Merrimack project, which was included as part of the agenda packet.

Staff recommends the Board determine that this project is not of Regional Impact. The project does not meet the criteria for making a regional impact determination.

Chairman Best questioned the will of the Board.

**MOTION BY MEMBER MILLNS TO FIND THAT THE BOWERS LANDING OF MERRIMACK,  
LCC SITE PLAN IS NOT OF REGIONAL IMPACT  
MOTION SECONDED BY MEMBER DISCO**

**MOTION CARRIED**

**4-0-0**

Chairman Best informed the viewing audience the Application for Item #6 on the agenda, Merrimack Parcel A, LLC. (applicant) and Merrimack Premium Outlets, LLC. (owner), has requested a continuance, which he anticipated the Board would likely grant.

Director Thompson noted the Extension Request - Stagecoach Crossing Subdivision, listed under Item #7. A representative of Fieldstone Land Consultants was in attendance and had requested the item be moved up on the agenda.

***There being no objection, the Board went out of the regular order of business to take up the Extension Request listed under Item #7.***

- **Extension Request - Stagecoach Crossing Subdivision**

Chairman Best stated the item to be an Extension Request for William Lastowka (applicant) and Land of Goshen, LLC. (owner). It is an extension of the final approval that was issued for the Subdivision Plan for a twelve lot cluster subdivision at 6 Watkins Road in the R-1 (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 4C, Lot 449.

Chairman Best stated his understanding the State permitting process is taking longer than the Applicant had anticipated. A request has been made for an extension until December 5, 2018.

**MOTION BY MEMBER DISCO TO GRANT A SIX MONTH EXTENSION TO THE WILLIAM LASTOWKA (APPLICANT) AND LAND OF GOSHEN, LLC (OWNER) SUBDIVISION**  
**MOTION SEDCONDED BY MEMBER MILLNS**

**MOTION CARRIED**

**5-0-0**

***The Board returned to the regular order of business.***

Member Disco spoke of a presentation Director Thompson recently gave to the School Board regarding the various housing projects being considered in Town, and what their impact might be on the school system. He requested the presentation be provided to the Planning Board as well.

Director Thompson stated he took the various residential projects that have been approved by the Board and utilized the standards for school-aged children (multipliers from the New Hampshire Housing Finance) to come up with a basic range of what could be expected for school enrollment out of all of those projects. There are approx. 1,000 potential units coming over the next several years, and the numbers, depending on the type of unit, have different impacts in terms of school-aged children. The same presentation was also given to the School District Leadership Team.

**3. Bowers Landing of Merrimack, LLC. (applicant/owner) - Review for acceptance and consideration of final approval for a site plan to construct 65 detached multi-family residential units in Phase VI of the Harris Pond Planned Unit Development. The parcel is**

located off Bowers Landing Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 1D, Lot 001-04.

Director Thompson stated the multi-phase, multi-family project is located between D.W. Highway and Manchester Street. The original buildings done were garden style, multi-family units. The most recent phase was done in a multi-family, single-family detached unit style. This Phase VI was originally designed to be garden style multi-family buildings. The current proposal is for 65 detached multi-family units in the same style as the last phase recently completed. The proposal has been sent to peer review; however, comments have not yet been received. The recommendation of staff is to receive the presentation, determine if the application is complete, and then continue to the month of July.

Matt Peterson, Hillside Design Group, stated the proposal to be the next phase of the project, which is on a parcel that is approx. 30 acres in size. There is sewer that was built for the garden style apartments that were approved (3-4 garden style apartments/137 units). They are left with 137 units for the future development and would like to do 65 in the current Phase. It is envisioned the last 72 would probably match the existing garden style units in a future application. It remains unclear at this time.

Mr. Peterson noted sheets 2-5 of the Site Plan (Plan) detail soils and wetlands that were mapped, test pits that were done for drainage, and the existing sewer line, which is intended to be removed.

Sheet 7 outlines building locations, roadway centerline, curbing, and sidewalks. Sheet 8 (Townsend Place) has about 1,000' of road. The road comes in at 1.5% down to a low point and goes back up at 1.5% around the cul-de-sac and back. It does not require as much earth removal as previous projects.

Sheet 10 (Toby Circle) comes in at 2% of platform, comes down at 3% to the low point at the bottom and back up at 3% to about the curb and the road and then 1.5% across. For this piece, because the back half drops about 15-20', all of the units on the back side were designed as walk-outs.

A full design of the project was done and given to the Applicant to take to his contractor. The contractor did a bid for about 90,000 yards of cubic material, which was cost prohibitive. It was dropped down to 45,000 as a result of the value engineering that was done, e.g., moving roads, etc.

Mr. Peterson spoke of having met with the Conservation Commission the previous evening. The Commission approved the project with two comments, e.g., low phosphates and soil testing before material is put down.

Townsend Place (Sheet 12) is being drained at 1.5% down to low point. All of the water is brought to one detention basin. One of the problems seen over the last 10-15 years is contractors not putting the detention in first or having multiple detention areas throughout the site. They are trying to minimize it as much as possible. There is a single location; four-bay and a secondary infiltration detention basin that is set up to meet AoT requirements. The plan was sent to the State the previous week, has been accepted as complete, and comments are anticipated.

Toby Circle (Sheet 13) drains down and is collected into a forebay and retention/detention pond. Each one is a little different, e.g., sand bottom, pea stone.

Utility plans include underground electric, water and gas in the road, and sewer.

Mr. Peterson noted one of the comments provided by staff is the need for an updated letter from Pennichuck Water Works that addresses the concerns and/or requirements outlined in the previous letters as may be applicable to the current design. The plans have been sent to Pennichuck for review.

Included for review are plans for erosion control, landscaping and lighting.

Director Thompson reminded the Board despite the fact that this is single-family style development, it is still considered a multi-family condominium because all of the structures are on a single lot. Being presented is a Site Plan not a subdivision, for that purpose.

Chairman Best asked for clarification, as a condominium, the roads are private, and was informed they are. When asked, Mr. Peterson stated it is not contemplated for the roads to become Town roads in the future.

Vice Chairman Millns noted some of the plans refer to sloped granite curb and questioned if Toby Circle is proposed as a circle or a dead-end. Mr. Peterson responded it comes in and circles all the way around in back. Reviewing the exact sheet in question, Mr. Peterson stated there to be bituminous curbing with a bituminous sidewalk that will come then to a concrete pad for handicap accessibility, then to a crosswalk that would be painted, and then back up to the other side. There is sidewalk all the way through the property.

Chairman Best commented along Townsend Place it appears as though the sidewalks continue along the northeast side up to #61 and stop. He suggested extending the sidewalk a few houses further so that it gets to the last few houses at the end of the cul-de-sac. Mr. Peterson responded he has no issue with moving it up to capture a few more homes. He commented, on the previous phase of the project, there was no sidewalk planned all the way through the permitting process and at the very end a condition of approval was to put the sidewalk in. On that project it was ended at this point. He just continued the same thing through. However, he reiterated he would have no problem continuing the sidewalk.

Member Disco stated agreement with continuing the sidewalk into the cul-de-sac. He stated the desire to also be certain there is sidewalk along Bowers Landing Drive all the way to Manchester Street. He noted it is shown in one plan and not another. Mr. Peterson stated it is already built, and is shown on the plans (goes all the way to Manchester Street).

Member Disco questioned the typical square footage of a unit, and was told it is approx. 1,400 sq. ft. He questioned the amenities intended to be constructed as part of the project. Director Thompson stated it ties into the clubhouse that is in another phase, which has been approved. When explicitly asked if those who reside in this new development will have the ability to utilize that space, Mr. Peterson responded you have to go through the Association and get the signoff. He cannot, at this time, say "yes", but they are going through the process with them to get that

established. Mr. Peterson noted a passive recreation area that will be included, e.g., benches, etc.

Member Disco asked for clarification the general topography slopes to the south and was informed that is the case. He stated his belief the sewer line has to go to the north. Mr. Peterson stated this project is gravity flowing across to the pump station. There is a 20' wide gravel drive that will have to be constructed. It is force main up to Bowers Landing. The first 18-20 are on gravity onto Bowers. That will be the first phase and then the pump station would be for the rest of them.

Director Thompson questioned the set number of bedrooms/unit. Mr. Peterson responded, right now, everything on Phase II is two-bedroom units. Chairman Best noted the notes on the plan refer to three-bedrooms. Mr. Peterson stated his architectural drawings are two-bedroom.

Member Disco spoke of drainage shown going offsite at the south end and questioned where it goes. Mr. Peterson noted the abutting property is owned by Pennichuck, and they have these plans to review. When asked, he stated there is 25.56 CFS coming into the pond and 1.83 coming out. There are four points of interest on the project, and the flow has been decreased for 2, 10, and 25 year storms.

**MOTION BY MEMBER MILLNS TO ACCEPT THE APPLICATION AS COMPLETE  
MOTION SECONDED BY MEMBER DISCO**

**MOTION CARRIED  
5-0-0**

*Chairman Best opened the floor for public comment at 7:29 p.m.*

No public testimony was offered.

*Chairman Best declared the Public Hearing closed at 7:30 p.m.*

**MOTION BY MEMBER MILLNS TO CONTINUE THE ITEM TO JULY 17, 2018 AT 7:00 P.M.  
IN THE MATTHEW THORNTON MEETING ROOM  
MOTION SECONDED BY MEMBER DISCO**

**MOTION CARRIED  
5-0-0**

- 4. Hoyle, Tanner & Associates, Inc. (applicant) and OVP Management, Inc. (owner) -**  
Review for acceptance and consideration of a waiver of full site plan for modifications to the two previously approved standalone restaurant buildings. The parcel is located at 360 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 001.

*Chairman Best recused himself.*

*Chairman Best stepped down and Vice Chairman Millns presided.*

Bill Davidson, Hoyle, Tanner & Associates, stated the Applicant was before the Board a few months ago for a small ATM revision. He stated his understanding some of the leased spaces will be open July 1<sup>st</sup>.

He spoke of the two standalone buildings; B and C on a previously approved plan. This proposal would modify those. The project changes as they get leases. Building B had 4,000 sq. ft., which would be reduced to 3,000 sq. ft. and Building C, which was 650 sq. ft. would become 1,700 sq. ft. They are both slated as restaurants. The proposed changes represent an overall increase of 50 sq. ft. from the previous plan. They were able to reconfigure the area on Building B and gain 4 parking spaces, which more than makes up for the 50 sq. ft. Building B could possibly be a bank. If that comes to fruition, the ATM won't be needed in its approved location.

The largest revision would be Building C, which has changed shape quite a bit. They have reduced parking in that area and opened it up for a patio as well as a large green space.

Mr. Davidson spoke of having received the memorandum from Director Thompson. In the landscaping area on Building C there is a small seating wall (looks like a curb line). That can be labeled on the plans.

Mr. Davidson noted receipt of a letter from the PWD related to erosion in the southern corner where they had not finished with the curbing to go around. That was completed earlier in the day.

Member Disco questioned if the sidewalk connects out to Route 3 in any area and was informed it does not. It was noted that was a big part of the original discussion.

**MOTION BY MEMBER DISCO TO ACCEPT THE APPLICATION AS COMPLETE  
MOTION SECONDED BY MEMBER ANKETELL**

**MOTION CARRIED  
4-0-0**

**MOTION BY MEMBER DISCO TO GRANT A WAIVER OF FULL SITE PLAN REVIEW  
NOTING 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  
MOTION SECONDED BY MEMBER ANKETELL**

#### ON THE QUESTION

Director Thompson noted one of the questions he raised in his memorandum was whether the Board believes it necessary to act on an additional Waiver for parking given the original plan did receive a waiver for the overall number of parking spaces. There have been enough parking spaces added to accommodate the additional 50 sq. ft. of restaurant. The question asked was if the Board is comfortable with that being continued through this plan or believes it needs a new waiver request and motion. He stated his recommendation that it be included with the waiver of full site plan.

Vice Chairman Millns asked if Member Disco would be agreeable to having that added to the waiver. Director Thompson added the waiver was granted for parking in the original redevelopment project for the parcel. Councilor Koenig remarked part of that was predicated on the different uses and the potential for that one becoming a bank would be a common use. Mr. Davidson stated it would be better for them. The largest use they have parking wise is restaurants. A financial institution is a much lower threshold. Originally the plan had 359 spaces. There are now 363. The required is 478. It was a substantial reduction, but it has operated that way for a number of years and the client felt very comfortable with what they had.

Director Thompson reiterated, for the purpose of this plan, they are adding parking spaces that weren't there as part of the original. He stated he would be comfortable with the original waiver continuing to move in force with this project without the need to act on it again, but it is a decision the Board can make.

Member Disco stated the desire to keep it simple and for the motion to remain for a waiver of full site plan review.

**MOTION CARRIED**  
**4-0-0**

*Vice Chairman Millns opened the floor for public comment at 7:41 p.m.*

No public testimony was offered.

*Vice Chairman Millns declared the Public Hearing closed at 7:43 p.m.*

Councilor Koenig noted the new layout for Building B shows a drive-thru area. Mr. Peterson stated that to be correct noting there was a drive-thru on the previous plan as well.

**MOTION BY MEMBER DISCO TO GRANT CONDITIONAL FINAL APPROVAL WITH THE FOLLOWING PRECEDENT CONDITIONS TO BE FULFILLED WITHIN SIX MONTHS AND PRIOR TO PLAN SIGNING, UNLESS OTHERWISE SPECIFIED**  
**MOTION SECONDED BY MEMBER ANKETELL**

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 note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
3. The applicant shall address any forthcoming comments from municipal departments and Boards/Committees, as applicable;
4. The applicant shall address the following Planning Staff Technical Comments:
  - a. Please add a note to Sheet C4 stating that this plan set supersedes the previous approvals;

- b. Please clarify (on sheets C4, C5, C6, C7 & C9) the area to the west of proposed Building C. It appears that this is intended to be a landscaped area, but the drawings are unclear (and appears to have a curb line running into it);
- c. The applicant shall verify (with a stamped letter or summary from a PE) that the modifications to the plans (revised buildings, additional parking, any offsets for removal of impervious area, landscaping, etc.) will not impact the drainage analysis previously approved as part of the original redevelopment plans for the site.

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

1. All General & Subsequent Conditions of Approval per the May 17, 2017 Decision Letter for the redevelopment of the property shall continue to apply to this approval.

**MOTION CARRIED**

**4-0-0**

*Vice Chairman Millns stepped down and Chairman Best presided.*

**5. FMR Realty LP/FMR Merrimack Realty Trust (applicant/owner) - Review for acceptance and**

consideration of a waiver of full site plan to allow for a mobile automotive service and repair use (auto maintenance service trailer) on the Fidelity Investments campus. The parcels are located at 2 Contra Way and 1 Spartan Way in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191 and Tax Map 2C, Lot 113.

Director Thompson stated the proposal was recently in front of the Zoning Board of Adjustment (ZBA) where they were successful in obtaining a special exception to allow the automotive service use in the industrial district. This particular project is the result of a service request that was brought to staff's attention. A company called Zippity Cars provides services, for the benefit of Fidelity's employees, by performing minor automotive maintenance on the Fidelity campus while employees are at work. This was not one of the uses contemplated or permitted during the other phases of the Fidelity project. The proposal is before the Board seeking a waiver of full site plan to allow this use to be continued on the site.

John Sokul, Esq., Hinkley/Allen, stated the request to be for approval to have a specialized trailer come onto the existing paved parking lot 6-8 times/month. In that trailer Fidelity employees can have minor automotive repairs done. It leaves at the end of the day, is completely self-contained, is only for Fidelity employees, and is parked within Fidelity's parking lot. The desire is to designate the area on the Site Plan where the trailer will be parked when it is servicing Fidelity employees.

When asked, Robin Gotshall, VP, Associate General Counsel, Fidelity Investments, stated it is fully self-contained; cars are repaired inside the trailer.

Chairman Best questioned if the trailer is equipped with spill kits, etc.

Ed Warren, CEO, Zippity Cars, stated it is a trailer that is big enough for the car to be driven up and inside. Everything is fully self-contained inside the unit. When asked about the number of



cars that would be serviced in a typical day, he remarked if light jobs, they can accommodate up to 15 and if a big job around 6. When asked about the types of services provided, he noted there is a lift inside the trailer allowing for tire rotations, brakes, etc. The focus is on preventative work. They would never change a transmission, pull a motor out of a vehicle, etc.

When asked how oil and other materials are collected, Mr. Warren stated there is a full vinyl floor sealed across the bottom. They have a pan for catching anything that comes in (immediately put in the storage tanks). They only hold enough oil for that day. They have a partnership with Advance Auto Parts and drop off the oil with them each day. They are never bringing significant quantities of oil onsite. The trailers are 8½' wide by 26' long. Fidelity typically provides two parking spots end to end and they fit nicely inside that footprint.

Councilor Koenig questioned if electrical or other connections are needed and was informed the trailer is equipped with a small generator. They are completely self-contained and use low decibel equipment.

Director Thompson stated the Merrimack Village District (MVD) was concerned with this being in a Wellhead Protection Area, e.g., the potential for spills. They were of the opinion it should be a full site plan review and the waiver should not be granted. Based on the presentation, he is completely comfortable with the waiver of full site plan review. There is no need to do a fully engineered plan for this type of use.

In addition, the Fire Department spoke with staff earlier in the day and has noted they need to inspect the trailer to be sure they have the proper extinguishers and storage arrangements for flammables and waste. They are able to inspect whenever it is onsite.

Mr. Warren stated they have fire extinguishers. When they come on campus they have Fidelity's security and safety teams inspect the trailer frequently.

**MOTION BY MEMBER MILLNS TO ACCEPT THE APPLICATION AS COMPLETE  
MOTION SECONDED BY MEMBER DISCO**

**MOTION CARRIED  
5-0-0**

**MOTION BY MEMBER MILLNS TO GRANT A WAIVER OF FULL SITE PLAN REVIEW  
NOTING 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  
MOTION SECONDED BY MEMBER DISCO**

#### ON THE QUESTION

Chairman Best commented the elements that go into full site plan, e.g., lighting, drainage, parking, access, are items the Board just wouldn't have any reason to look at related to the requested change. He is sensitive to the idea of spills and the Wellhead Protection Area as he is sure Fidelity is. He spoke of the things the Board would impose upon them with a full site review, and the fact, having no idea when the original Fidelity plan was approved, there could be other innocuous changes to the site plan regulations that have occurred along the way that

they would get trapped in if pushed to full site plan review. He does not believe either one of those things are things he would want to do. That is why he supports the waiver.

**MOTION CARRIED**  
**5-0-0**

Director Thompson suggested approval include the request made by the Fire Department regarding inspection of the trailer. He also recommended both the Fire Department and MVD be given a protocol for spills. Chairman Best commented the use is for a maintenance trailer, but the Board is approving it based on the uniqueness of this trailer being fully enclosed. That idea should be captured in the notes so that somewhere down the road this isn't replaced with a different kind of maintenance trailer that doesn't meet these needs.

Vice Chairman Millns stated there should be an inspection protocol that allows the Town to inspect the trailer. Director Thompson noted the Town always has the right to ensure and verify compliance with conditions of approval.

Vice Chairman Millns spoke of his recollection DOT regulations do not require trailers to be inspected regularly and he would be concerned with the potential for leaks occurring with aging trailers.

Mr. Warren reiterated they do not rely on the trailer to store anything. The storage containers are removable containers. Even if the trailer wore out, the material being disposed of is placed in fully sealed separate tanks inside the trailer that are removable.

*Chairman Best opened the floor for public comment at 8:00 p.m.*

No public testimony was offered.

*Chairman Best declared the Public Hearing closed at 8:01 p.m.*

**MOTION BY MEMBER MILLNS TO GRANT CONDITIONAL FINAL APPROVAL WITH THE FOLLOWING PRECEDENT CONDITIONS TO BE FULFILLED WITHIN SIX MONTHS AND PRIOR TO PLAN SIGNING, UNLESS OTHERWISE SPECIFIED**  
**MOTION SECONDED BY MEMBER ANKETELL**

1. Final plans to be signed by all property owners;
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. The applicant shall address any forthcoming comments from municipal departments/boards/committees as applicable;
4. The final plan submitted by the applicant shall note that the Zippity Cars service is permitted on site, with specific location to be flexible based on the Planning Board's approval;

5. The final plan submitted by the applicant shall include the following notes, and be signed by both the property owner (Fidelity) and business owner (Zippity Cars):
  - a. The purpose of this plan is to allow a mobile automotive service and repair trailer (Zippity Cars) to operate on the property;
  - b. Zippity Cars will operate a mobile automotive service and repair trailer strictly for the benefit of Fidelity Employees on site;
  - c. Zippity Cars will be present on the Fidelity Campus no more than 8 times per month;
  - d. The property is located in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area;
  - e. The property is serviced by public water (MVD) and sewer;
  - f. All improvements shown on the plan (an annotated version of CDD Plan #1162-G) have already been constructed/completed.

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

1. The project must be executed exactly as specified in the approved application package and as presented to the Board on June 5, 2018 (regarding the trailer used for servicing of vehicles) unless modifications are approved by the Planning Board;
2. All of the documentation submitted in the application package by the Applicant and any requirements imposed by other municipal departments or state agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this decision letter shall generally be determining;
3. The Fire Department shall inspect the auto service trailer to ensure compliance with all applicable safety regulations (fire extinguishers, flammables, waste, etc.).

**MOTION CARRIED**

**5-0-0**

6. **Merrimack Parcel A, LLC. (applicant) and Merrimack Premium Outlets, LLC. (owner) -** Review for consideration of an amendment to the previously approved site plan for Merrimack Premium Outlets to allow for a modification to the site's access driveway (addition of a roundabout to Premium Outlets Boulevard to provide access to the Merrimack Park Place site). The parcel is located at 80 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191-01. **The applicant has requested a continuance to June 19, 2018.**

Chairman Best noted the request, from the Applicant, to continue the matter to the June 19<sup>th</sup> meeting.

Director Thompson remarked one of the conditions that were put on the Merrimack Park Place mixed-use development Site Plan was the resolution of the concerns regarding the roundabout with peer review. Because that roundabout is actually located on the Merrimack Premium Outlets site, the Simon property which contains the entirety of the outlet mall, it requires an amendment to that site plan that was previously approved.

Given the time it took to get the revisions reviewed and comments from peer review, staff did not receive the comments until late in the day on Wednesday of last week. Understanding VHB would have needed to revise the plans, get them back to Community Development for review before Friday's packet, and knowing that he would be out of the office on Friday, there was just no possible way for it to take place.

The two-week delay will provide ample opportunity to review the plans. Peer review is now down to a couple of minor comments regarding signage. Otherwise they are very satisfied with the revisions that have been made to the roundabout design for the two lanes to get the access to both the Premium Outlets site and the Park Place site.

**MOTION BY MEMBER DISCO TO CONTINUE THE ITEM TO JUNE 19, 2018 AT 7:00 P.M. IN THE MATTHEW THORNTON MEETING ROOM**  
**MOTION SECONDED BY MEMBER MILLNS**

**MOTION CARRIED**  
**5-0-0**

#### **7. Discussion/possible regarding other items of concern.**

Vice Chairman Millns noted the Nashua Regional Planning Commission (NRPC) will be hosting an informal Planning Board Roundtable on Monday, June 11 at 6:30 p.m. at the NRPC offices to provide planning board members in the region with an opportunity to meet with peers from different communities, discuss current issues and trends of common interest and share their observations, thoughts and experiences.

Member Disco spoke of the informational workshop targeting those new to the realm of planning boards hosted by the NRPC on May 17th. Stephen Buckley, Legal Services Counsel for the NH Municipal Association, presented. Topics included responsibilities, duties of the planning board, basic planning board organization, meetings, public hearings, pertinent laws and RSAs, master plans, capital improvements programs, types of applications and timelines, procedures, etc.

Member Disco stated he would like it to be a request of the Board that the Town join the New Hampshire Municipal Association (Association). He believes members can benefit in terms of training offered, etc. Director Thompson noted that would not occur until the next budget cycle.

Chairman Best informed the viewing audience the Association is an organized group that creates resources that help municipalities in areas like this. The Town was at one time a member. There are some alternative sources for that or some value judgments based on what it costs versus what you get out of it. Member Disco is suggesting that the Planning Board indicate some support for the idea to the Town Council. It is their decision to spend what he understands to be a significant amount of money. Councilor Koenig commented it is \$20,000 or \$30,000.

Councilor Koenig stated agreement with the desire for membership noting he argued vehemently to remain as members at the time that relationship ended. He stated he has found, over his time, that it is a useful membership to have. One benefit he believes to be valuable is access to legal services for some of the committees and groups to be able to get at without having to formally go through the Town Manager to the Town Council.

Director Thompson suggested the matter be placed on a future agenda thereby allowing staff the opportunity to gather information to aid in the discussion.

***The Board agreed the matter should be placed on a future agenda.***

Chairman Best requested the Board be provided with a quick update on the Master Plan. Director Thompson commented on the progress that was being made towards doing something with mixed-use development with the Zoning Ordinance. A few workshop meetings had been conducted, and he had started working on draft language. Then the publicity/negative attention started with regard to the hotels. The will of the Board was to ease back a little, which was done.

In lieu of that, as he mentioned at the time, it made sense, from a process and development review standpoint, to take a look at removing the chapters on site plan regulation from the subdivision regulations and creating a separate document specific for site plans and having a specific set of regulations for sub-divisions. He has been working on that over the course of the last 4+ months. It is a daunting task to take what is good about what we have as well as looking at other communities' regulations and trying to come up with a set of best practices. He is approx. 65% of the way done trying to pull things and start editing draft language, which he wants to be able to review specifically with the Public Works Department as it relates to drainage, structural sections for pavement, etc. He is hopeful by mid-late fall to have some draft or at least an update presentation to give to the Board.

In the interim, following the separation of the site plan regulations, we will essentially have a temporary set of subdivision regulations, which is what we have today minus the chapters that are being pulled out. He would also go through the same process with the subdivision regulations; try to update and modernize.

Chairman Best commented each section, whether environment, land use, etc., has a dozen or more goals that are set out for the Planning Board or other entities to consider or advance. The work that Director Thompson described, in a broad sense, checks a bunch of those boxes for the individual goals, which would say things like consider adopting a pedestrian master plan, consider adopting mixed-use development regulations, etc.

Director Thompson commented there are items such as those consistently recommended by the Conservation Commission; use of de-icing compounds be minimized, and that applicators be Green SnowPro Certified as well as preference for use of low-phosphate, slow release nitrogen fertilizer, which could be put in the regulations.

## **8. Approval of Minutes - May 15, 2018**

**MOTION BY MEMBER DISCO TO APPROVE THE MINUTES OF THE MAY 15, 2018  
MEETING, AS SUBMITTED  
MOTION SECONDED BY MEMBER MILLNS**

**MOTION CARRIED**

**4-0-1**

*Member Anketell Abstained*

**9. Adjourn.**

**MOTION BY MEMBER MILLNS TO ADJOURN  
MOTION SECONDED BY MEMBER ANKETELL**

**MOTION CARRIED**

**5-0-0**

The June 5, 2018 meeting of the Merrimack Planning Board was adjourned at 8:21 p.m.

Submitted by Dawn M. MacMillan