



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MAY 15, 2018

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Dan Ricker, Neil Anketell, and Alternate Nelson Disco.

Planning Board members absent: Michael Redding, Lynn Christensen and Alternate Vincent Russo.

Staff present: Planning and Zoning Administrator Robert Price and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:00 p.m. and designated Nelson Disco to sit for Lynn Christensen.

2. Planning & Zoning Administrator's Report

None.

- 3. MET General Contracting Inc. (applicant/owner)** — Review for consideration of reinstatement and extension of waiver of full site plan review approval (originally approved on 10/17/2017) for a 5,000 s.f. high-bay warehouse/office building. The parcel is located at 5 Jennifer Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 4D-1, Lot 001.

Kevin Anderson, Meridian Land Services, Inc., explained that the deadline to meet the conditions of approval expired before the conditions were fulfilled. Due to an oversight, the applicant did not seek an extension from the Planning Board beforehand. The intention is still to construct the previously-approved warehouse/office building on the site. The applicant has completed all the October 7, 2017, precedent conditions of approval with the exception of obtaining signatures on the final plans and mylars.

The Board voted 6-0-0 to grant reinstatement and extension of waiver of full site plan review approval to November 11, 2018, on a motion made by Alastair Millns and seconded by Nelson Disco.

- 4. Charles Morgan (applicant) and 526 DW, LLC. (owner)** — Review for acceptance and consideration of final approval for a site plan to construct a 21,069 s.f. single story storage facility and a 2-bay auto detailing shop. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. **This item is**

continued from the February 6, 2018 and April 3, 2018 and April 17, 2018 meetings.

Robert Best recused himself from discussing and voting on this item. Vice Chair Alastair Millns assumed the chair.

Attorney Greg Michael, Bernstein, Shur, Sawyer & Nelson, PA, said that The applicant would like to utilize the existing sidewalk easement rather than construct a raised sidewalk as is being requested by the Public Works Department.

Eric Mitchell, Eric Mitchell & Associates, Inc., said that they are also seeking two waivers from the Board. After reviewing the staff memo, they feel all other proposed conditions could be met.

A waiver is sought from the requirement to submit an outdoor lighting plan. The proposed building is for storage with a small detailing shop. There are new lights over the doors that do not spill over the property line. Lighting would be photo cell operated. The applicant does not want to light the entire five-acre parcel. Nelson Disco objected that the lighting should be provided for the entire site. Tom Koenig, noting that the lighting has been on site for a long time, opined that a waiver was probably approved when the use expanded. There is no point in submitting a lighting plan for a small additional area. Attorney Michael stated that a waiver is not needed, since a waiver was part of the Planning Board's approval for the building in back. This would be just a storage facility.

Neil Anketell cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 4-1-0 to waive the requirements of Section 11 – Outdoor Lighting Standards – of the Non-Residential Site Plan Regulations, on a motion made by Neil Anketell and seconded by Tom Koenig. Nelson Disco voted in opposition.

A waiver is sought from the requirement to provide a natural or landscaped buffer between the site and an adjacent parcel with residential zoning. Although the abutting parcel is residentially zoned, it is owned by Eversource and contains electrical wires. An identical waiver was granted in 2015.

Tom Koenig cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 5-0-0 to waive Section 10.04 – Buffers - of the Non-Residential Site Plan Regulations, on a motion made by Tom Koenig and seconded by Neil Anketell.

Attorney Michael said the existing sidewalk was an acceptable solution when the rear building was approved. The sidewalk is satisfactory because it is maintained, runs for a long stretch and has a landscaped strip close enough for pedestrian safety. The Town holds a sidewalk easement. The applicant proposes to install concrete wheel stops and landscape boxes along the landscaped strip for safety. To spend money for a proper

sidewalk when there is an existing solution makes no sense and is not fair. Nelson Disco disagreed. The Public Works Department (PWD) wants a sidewalk in the public right-of-way like the adjoining sidewalk. The applicant's previous sidewalk solution was acceptable because it didn't connect to anything on either side.. Since that time, the abutting parcel has been redeveloped and the abutter is building a sidewalk in the public right-of-way. The Town needs a sidewalk in this area. The policy is that each subdivision and site plan must install a sidewalk. He countered that the applicant has not maintained the current sidewalk, as was evidenced by photos taken by Public Works. Attorney Michael stated that the neighbor would match the applicant's sidewalk, which would make it safer. Eric Mitchell admitted that the applicant did not maintain the sidewalk, but stressed that the applicant will do so and also show the demarcation with bumper strips and raised plantings higher than 6" in the front. This is a safer place for a sidewalk rather than in the right-of-way, which is less than 10' and where traffic moves quickly. The northerly portion of the existing sidewalk is ground-up pavement. Alastair Millns said it is hazardous and should be paved. Snow removal equipment would grind it up. Eric Mitchell offered to pave and maintain the gravel section rather than install a proper sidewalk. Tom Koenig said the proposal to keep the existing sidewalk away from D.W. Highway would improve safety. Nelson Disco noted that PWD does not like gravel sidewalks because they damage equipment. He would not accept the compromise. The sidewalk should be matched to the adjacent property and the Town should maintain it.

Nelson Disco said a 165'-long plain building with metal siding would not be attractive from Route 3. Robert Price noted that a façade of less than 200' need not be interrupted. Eric Mitchell offered to install more trees to break it up and agreed to make the building a contrasting color so it would not have an industrial look.

Eric Mitchell explained that the building in back pumps to the street. He proposed that the new building tie into that pump, but the Wastewater Division wants to pump along the front of the lot directly into the manhole.

Alastair Millns explained that a no-salt restriction dates from the second building's approval. Nelson Disco recommended that it be noted on the plan.

Public comment

Don Miner, 65 Donovan Court, noted the inconsistency in requiring a sidewalk at this site when busier nearby sites, such as King Kone and recent bridge replacements constructed by the Town do not have one. He praised Charles Morgan for improving the look of the site and suggested just leaving the sidewalk alone. Alastair Millns cited the April 10 Route 3 sidewalk survey and explained that fixing a culvert at King Kone was an emergency situation. The Planning Board has strongly expressed its desire for sidewalks on Route 3 bridges.

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.

A motion by Tom Koenig to grant final approval with modified conditions from the staff memo of May 9, 2018, failed for lack of a second.

The Board voted 3-2-0 to grant final approval subject to the following precedent conditions to be fulfilled within 6 months and prior to signing of the plan, unless otherwise specified, on a motion made by Nelson Disco and seconded by Dan Ricker. Alastair Millns and Tom Koenig voted in opposition.

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, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department, as applicable;
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 provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address the comments from the town's peer review consultant, CLD/Fuss & O'Neill, as applicable, including any forthcoming comments resulting from review of the final plans for Planning Board signatures;
6. The applicant shall address the following comments from the Fire Department, as applicable:
 - a. A minimum 24 foot wide access road serving all sides of the proposed building is required. The plans show a paved area of only 12' in width around 2 sides of the building;
7. The applicant shall address the following comments from the Conservation Commission, as applicable:
 - a. The applicant shall notify the Conservation Commission prior to any clearing or earth work;
 - b. Snow storage must only take place in designated snow storage areas;
 - c. No snow shall be brought onto the site that contains de-icing compounds;
 - d. The use of salt and other de-icing compounds should only be performed by DES Green SnowPro certified applicator;
 - e. Only no phosphate, slow release nitrogen fertilizers are to be used. The Commission further recommends that the applicant utilize a soil testing facility to determine what levels and applications rates are necessary prior to applying any fertilizes to the site.
8. The applicant shall address the following comments from the Public Works Department, as applicable:

- a. The existing sidewalk has not been maintained in a timely manner so that the public can access it. There are often vehicles parked on it or snow and ice covering it. The concern with the present parking configuration is that the proposed parking is directly abutting the walkway and will put the public in danger. There are presently snow and a truck parked on the sidewalk that is already supposed to be kept clean and clear. Pedestrian safety and access is outline under Section 7.05.D.19 and states that all commercial/industrial non-residential site plans shall provide for a paved pedestrian way or sidewalk along all existing or proposed streets. A sidewalk shall be constructed along the entire frontage; the sidewalk shall be constructed within the Town Right of Way (ROW) and/or within a deeded easement. The sidewalk shall be tied into any existing/proposed sidewalks on either side. The sidewalk shall be raised in front of the proposed vehicles to ensure pedestrian safety. No part of the vehicles shall infringe upon the sidewalk. A sidewalk detail shall be provided for approval prior to construction.
 - b. The driveway entrances have been narrowed, as previously requested. The area to the west of the narrowed driveway entrance should still have a sidewalk within the area now designated as Loam and Seed and Landscape;
 - c. Sheet 5 of 10 only depicts the drain profile for the previously approved catch basins for the new building in the rear of the property. New drain profiles and details shall be provided for the new catch basins that are being proposed for this project. No outlet has been shown on the existing catch basin that crosses Daniel Webster Highway. Is there enough capacity in the line to be able to sustain the added drainage capacity?
 - d. Sheet 6 of 10 shows details on CB 1 and CB 2 Deep Sump Oil/Gas Separators from the old site plan set and does not show the detail for the currently proposed drainage. Details and Profiles shall be shown for the new drainage system being proposed. Details shall follow the 2006 Construction Standards IV. Storm Drain Systems. Catch Basins are not labeled on the site plan. There is no way to correlate them to the profile and which ones need the Deep Sump/Oil/Gas Separators;
 - e. The condition of the existing 18" RCP under Daniel Webster Highway shall be provided to DPW. As of the second review of the plans, the pipe outlet, slope and length have still not been shown on the plans;
 - f. There appears that the project will have a drainage reduction entering the 18" RCP of the Town Drainage system. A Drainage Summary Chart should be included in the Drainage Calculations outlining and comparing the Pre Development and Post Development conditions for each year storm event analyzed. As of the second review of the plans nothing has been provided;
9. The applicant shall address the following comments from the Wastewater Division, as applicable:
- a. General Comments:

- i. A flow allocation permit must be approved by this department before plans can be approved. Please provide anticipated flows for all buildings;
 - ii. Sewer connection permits will be issued for each building individually and these must be applied and paid for prior to construction of said building(s);
 - iii. No floor drains permitted in building;
 - b. On sheet 2: New pump station shown pumping to existing pump station - not permitted - must go to gravity manhole at front of property;
10. The applicant shall address the following comments from Merrimack Village District, as applicable:
- a. 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;
 - b. 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);
 - c. Add as note on sheet 1 indicating "No De-Icing chemicals/compounds shall be utilized on site;"
 - d. Sheet 7 of 10 "Wet Tap Tee Installation" Note 1 remove "DPW Technical Specifications" replace with "Merrimack Village District Specifications for Water Main Installation, Extensions, Service and Distribution System;"
 - e. Sheet 7 of 10 "Wet Tap Tee Installation" Note 3 remove "With DPW Approval" replace with "With Merrimack Village District Approval;"
 - f. Add as note on sheet 1 "During Construction all fueling, greasing and maintenance must be completed on impermeable surface utilizing sorbent sheets. Any resulting spill must be remediated to fullest possible restoration immediately;"
11. The applicant shall address the following Planning Staff Technical Comments:
- a. The drainage analysis shall be verified (by the Town's peer review consultant) to address the actual existing conditions of the site and not the incorrectly shown improvements indicated on previous plan submittals (prior to May 3, 2018);
 - b. The applicant shall address the following regarding sheet 1:
 - i. Note 11 has been revised to include the parking requirements for self-storage facilities. Staff requests that the applicant provide information as to how the entire site only contains 34 storage units across the 2 existing buildings and the proposed 3rd building;

- c. The applicant should verify with the Fire Department that the site is designed properly to allow for emergency vehicle access around the site, as several areas appear to be narrow and difficult to navigate by fire apparatus;
- d. The applicant is indicating a “recycled asphalt pavement access way.” The applicant should explain why regular pavement is not proposed and verify that recycled asphalt use is acceptable to Public Works and the Fire Department;

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 any Certificates of Occupancy for the new structures;
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 provided at the Pre-Construction meeting. The manual shall also provide the reporting schedule during all phases of construction and also assign responsibility of annual reporting, along with the appropriate documentation/inspection sheets for each BMP. All reports shall be provided to Community Development within the appropriate time frames;
5. The applicant shall address/adhere to the following comments from 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. No private booster pumps are allowed;
 - e. All MVD fees must be paid and all applications must be completed prior to start of construction;
 - f. Two business days, prior notice must be given to Merrimack Village District for all inspections and commencement of work;

- g. 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;
 - h. 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;
- 6. The applicant shall address the following comments from the Building Department:
 - a. The project shall comply with all ICC Building, Fire and Life Safety Codes adopted by the State of New Hampshire, including all amendments;
 - b. Submit a complete building permit application, provide the job location, indicate the scope of work, proposed use and estimated construction value;
 - c. All plans and construction documents shall be submitted with the application and available for code compliance review, prior to the Pre-Construction Meeting with Community Development;
- 7. The applicant shall address the following comments from the Fire Department, as applicable:
 - a. All roadways and parking areas shall be maintained at all times, including the timely removal of all snow and ice;
 - b. The entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11). Plans shall be provided to this office for review and approval before a permit can be issued;
 - i. Due to the unique hazards associated with a vehicle storage building, a pressurized standpipe system shall be installed in conjunction with the sprinkler system. The standpipe system shall have a minimum pipe size of 2" ending in a valved connection point located in the center of each perimeter wall and with an outward opening emergency exit door located within 3 feet of the standpipe. The valve shall have a male 2.5" NH thread with a reducer coupling to a male 1.5" NPSH threaded adaptor with a chain attached cap;
 - c. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued;
 - d. The proposed building shall be assigned the address of 530 Daniel Webster Highway.
- 5. **Streif, LLC. (applicant/owner)** — Review for acceptance and consideration of final approval for a site plan to construct 47 elderly housing units. The parcel is located

at 412 Daniel Webster Highway in the R-4 (Residential), C-2 (Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 001. **This item is continued from the March 6 and May 1, 2018 Planning Board meetings.** (This is the East Chamberlain Road project).

Alastair Millns relinquished the chair. Robert Best resumed the chair.

Brent Cole, Keach-Nordstrom Associates, Inc., said the latest revised plan removed the two single-family units closest to the river, reducing the total number of proposed units from 47 to 45 with a clubhouse. A 16'-wide gravel access behind the D.W. Diner to Abenaki Circle would be a second access for the Fire Department. The planting plan was improved. The homeowner fee is estimated at approximately \$305 per month, which is standard. Twenty guest spaces would be interspersed through the development. That would provide 108 parking spaces, whereas 68 are required.

Rebecca Brown, Greenman-Pedersen, Inc., is a traffic consultant who studied the intersections at D.W. Highway and the signal at Merrimack Village/Rite Aid Plaza, D.W. Highway and East Chamberlain Road and D.W. Highway and Columbia Circle. She explained her methodology. Her study of Department of Transportation (NHDOT) crash records shows no issues: there were two collisions or less at each intersection over a three-year period. The firm she hired collected data on vehicle speeds for the 48-hour period Wednesday-Thursday, January 10-11, 2018. All intersections exceed sight distance requirements. The study predicts traffic generation of 28 trips and 32 trips at morning and evening peak hours, respectively, creating 10-37 more vehicles or one vehicle every six minutes on Route 3.

Rebecca Brown explained the definition of Level of Service. The Rite Aid Plaza Level of Service D is acceptable. Delays would increase by less than one second per vehicle, which is a minimal impact. East Chamberlain Road would move from Level of Service D to Level of Service E and would be at $\frac{1}{4}$ less than capacity in 10 years. Its capacity is more than adequate; the delay would increase by three seconds per vehicle.

Columbia Circle would continue at Level of Service D. It makes no sense to cut around to Columbia Circle. Tom Koenig noted the neighbors' concern about avoiding the steep hill on East Chamberlain Road, especially in winter. Rebecca Brown said that 15% of traffic would use Columbia Circle; peer review says less would use it. Chairman Best opined that number would be greater in a snowstorm. Brent Cole added that he would make a flat platform and a snow storage area.

Rebecca Brown said that a senior living development would generate less traffic than the figures in the study, but she used regular townhouse/condominium figures to be conservative.

Rebecca Brown reported that the Town's consultant peer reviewed the traffic impact study and agreed that the development would have limited impact and would not warrant off-site mitigation. Peer review made only minor comments, to which she responded. Peer review said that the Merrimack Village/Route 3 signal might make a difference in traffic. Rebecca Brown modeled the impact of the evening queue on the driveway. Her results were similar to the original study.

The effect of widening the Everett Turnpike at Exit 12 would keep vehicles from going onto Exit 11 to avoid backups on Route 3, whose volumes would drop substantially and operations would improve.

The Board thanked Rebecca Brown for her clear and thorough presentation.

Brent Cole said there is a sewer easement with Merrimack Village. All spaces would be striped. Alastair Millns suggested placing signs so vehicles would not block D.W. Diner access, but Brent Cole reported that the Fire Department has no issue and would probably remove any vehicle blocking its way.

Chairman Best liked the changes to the plan. Connor Beote, Streif, LLC, summarized his discussion with the abutting condo association (Pennacook Terrace), who refused both access and monetary compensation.

Nelson Disco wanted a path/access to the trail network. Connor Beote said there is a small gravel “path” along the sewer easement behind the D.W. Diner that would be maintained as a fire access road and sewer easement, but it is not really a walking path. There is already a path on the other side of the river.

Public comment

Mike Malzone, 8 East Chamberlain Road, stated that he “did his own traffic study” on East Chamberlain Road and on Columbia Circle. He recommended leaving the hill alone. Re-grading would not fix the problem. The angle where Abenaki Circle meets East Chamberlain Road forces one into making a hard turn. He recommended widening the 16’ gravel road to 24’ and widening East Chamberlain Road. The Board should not keep adding homes and traffic in this area and should consider traffic and infrastructure before approving developments.

Brent Cole said that this plan is a compromise to staff’s concern about East Chamberlain Road and the slope to D.W. Highway. He disagreed with Mike Malzone about how many cars would go to East Chamberlain Road. Tom Koenig reiterated that neighbors have a big issue with snow on the hill in winter. They will want to go the other way on a one-lane road and will meet more traffic on a two-lane road. Two developments (Penacook Terrace and the proposed development) would consist of 80 units with no improvement to East Chamberlain Road.

Alastair Millns suggested a condition of approval that the Merrimack Village Mall must agree to the fire access in writing. Chairman Best cautioned against complicating efforts at resolution. The Fire Department is satisfied. Parking spaces would be striped and the Diner would not be blocked.

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 5-1-0 to grant final approval subject to the following precedent conditions to be fulfilled within six months and prior to signing of the plan, unless otherwise specified, on a motion made by Alastair Millns and seconded by Nelson Disco. Tom Koenig voted in opposition.

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 provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
4. The applicant shall address the comments from the town's peer review consultant, CLD/Fuss & O'Neill, as applicable, including any forthcoming comments resulting from review of the final plans for Planning Board signatures;
5. 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. There is an existing sewer easement access road noted on the plans. This road is to be graded and maintained to allow emergency access to the proposed new road named Abenaki Circle of the development. The emergency access road should be capable of supporting the weight of fire apparatus. Minimum width should be 16 feet and roads should be passable in all weather, including being plowed of snow. The end of the road that is accessed from the parking lot of the Merrimack Village Mall, 416 Daniel Webster Highway shall have a marked no parking area in front of the existing gate to allow unimpeded emergency access. These conditions shall be listed on the site plans;
 - b. Fire Department water supply (pressurized hydrants) are required. In keeping with the compliance of state fire codes, NFPA codes and continued practices with other subdivisions and residential complexes within the community the installation of Fire Hydrants on a minimum of an eight inch water main will be required with Fire Hydrants located every 500 feet along all roadways and no more than 250 feet to a driveway as calculated along the new roads starting at the nearest hydrant located on Daniel Webster Highway. The hydrants noted on the plans are at acceptable locations, however an additional hydrant shall be placed at the far end of Canoe Lane. Final drawings showing the locations of the fire hydrants must be submitted to the Fire Marshal's Office for approval;

6. The applicant shall address the following comments from the Conservation Commission, as applicable:
 - a. Align the fertilizer composition tables with the plan verbiage;
 - b. The site plans and homeowner association should recognize that no fertilizers, only limestone, may be used within 25' of the Shoreland Protection Buffer.
7. The applicant shall address the following comments from the Public Works Department, as applicable:
 - a. Under Section 4.09 Legal Data Required - any Easements to the Town will need to be reviewed by Town Counsel prior to recording;
8. The applicant shall comments from the Wastewater Division, as applicable:
 - a. Sewer connection permits will be issued for the new buildings individually and must be applied and paid for prior to construction of said building(s);
 - b. A flow allocation permit must be issued from the Town of Merrimack Wastewater Department prior to approval of said plans based on the flow of 6,495 gpd provided;
 - c. On Sheet 8:i. Place sewerage now located between buildings to front of buildings in asphalt roadway for proper access and maintenance. (SMH #43). If manhole is to remain, all cross country sewerage standards must be met (20' wide gravel road for access);
 - d. On Sheet 9:i. Place all manholes in road (SMH #55);
 - e. On Sheets 16, 17 & 18:i. Adjust all sewer slopes to .005 per Town of Merrimack Sanitary Sewer Engineering Standards;
 - f. On Sheet 25:
 - i. Show backflow preventer in detail outside foundation wall – Specify Clean Check model 97034 or equal as approved by Sewer Inspector;
 - ii. Laterals must be 6" to property line/beyond asphalt (Note 1);
 - iii. Remove observation tee;
 - iv. Note 5 – Remove vertical connection language. Remove tee's - wyes only. Remove "existing sewer" language – everything is new no saddles will be permitted. Remove pressure sewer language – none in design;
 - v. Note 7 – Remove – vacuum testing only;
 - vi. Note 9 – Remove language "unless necessary" – new design should be such that it isn't necessary;
 - vii. Note 11 – Remove – no chimney connections permitted;
 - g. On Trench Detail:
 - i. Note 4 – remove all cross country reference – shall be the same as road standards;

- ii. Note 8 – remove
 - iii. Note 15c – remove and replace with “shall be videoed and by PACP certified operator”;
 - iv. Note 1 5d – remove 90 days;
 - h. Notes must also state along with NHDES Env Wq 700 rules that Town of Merrimack Sanitary Sewer Engineering Standards must be met, which are more restrictive.
9. The applicant shall address comments from Merrimack Village District, as applicable;
- a. Add a hydrant at sta. 4+80 or between units 33 & 34 (same location);
 - b. Cut in 6” valve along East Chamberlain, South West of Abenaki Cir
 - c. Remove existing 6” valve along DW Highway install two (2) 12” gates along with proposed 8” gate;
 - d. Detail A - 02 Trench Detail insert;
 - i. “All blocking must be removed after assembly & replaced with property haunched bedding material”
 - e. Details (A - 07 and A - 21) text referencing thrust blocking. Remove PWW and Add MVD;
 - f. All gate valve boxes must be domestic;
 - g. Sheet E 1 and E2; Add Merrimack Village District to easements.
10. The applicant shall address the following Planning Staff Technical Comments:
- a. The applicant shall execute a development agreement with the Community Development Department outlining the items needing to be completed in order to obtain any certificates of occupancy;

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

- 1. 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 the final Certificate of Occupancy, a or as otherwise stipulated in a development agreement with the Community Development Department;
- 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 on-going future maintenance instructions of all of the drainage facilities prior to the issuance of the final Certificate of Occupancy. After the final 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. As this proposal is for new elderly housing residential buildings all buildings including the proposed clubhouse shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued;
 - b. The buildings shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued;
6. The applicant shall address the following comments from the Building Department:
 - a. The project shall comply with all ICC Building, Fire and Life Safety Codes adopted by the State of New Hampshire, including all amendments;
 - b. Submit a complete building permit application, provide the job location, indicate the scope of work, proposed use and estimated construction value;
 - c. All plans and construction documents shall be submitted with the application and available for code compliance review, prior to the Pre-Construction Meeting with Community Development.
7. The applicant shall address the following comments from Merrimack Village District:
 - a. All onsite water infrastructure will be owned, maintained and repaired by Condo Association or Home Owners Association;
 - b. Condo/Home Owners Association must be filed with Hillsborough County of Deeds with a copy sent to Merrimack Village District;
 - c. Easement for Merrimack Village District, to access and operate appurtenances such as (but not limited to) valves, shut offs, and hydrants, must be filed with Hillsborough County Registry of Deeds with a copy sent to Merrimack Village District;
6. **NeighborWorks Southern New Hampshire (applicant) and The Granite YMCA (owner)** — Conceptual discussion of a potential site plan for a redesign of a previously approved 57-unit elderly housing development into a conventional 45-unit multi-family development. The parcel is located at 315 Daniel Webster Highway in

the R-4 (Residential) and Aquifer Conservation Districts and portions in the 100 and 500 year Flood Hazard Areas. Tax Map 4D-4, Lot 043-01.

Robert Price explained that the applicant obtained a variance from the Zoning Board of Adjustment (ZBA) to permit the construction of multi-family residences with an approximate residential density of 5.5 units per acre or 45 units whereas 1 unit per 40,000 s.f. is permitted.

Kevin Anderson, Meridian Land Services, Inc., said the concept was revised to change the roadway access as the current conceptual design does not include a connection to Island Drive. The project would keep away from steep slopes, wetlands, and the residential properties to the north. Fewer units would reduce peak hour traffic rates. Kevin Anderson asked what the Planning Board expects from a traffic study. Chairman Best wanted a full traffic study from Greeley Street to the Merrimack 360 plaza site currently under construction to reflect significant changes in Merrimack and for the public to be able to view it readily. Alastair Millns agreed, since this would be workforce housing as opposed to the elderly housing contemplated by the previously approved project that was never constructed, which is why to him, the 2004 Melton traffic study is no longer relevant. Kevin Anderson explained that with only one access, only Angelo Drive would be affected by the development of the site. The Board discussed the parameters of a traffic study.

Nelson Disco asked about the effect of a second entrance on getting in and out of the development. Tom Koenig said it would change Angelo Drive. Kevin Anderson agreed, but said it could handle another development.

Kevin Anderson provided 10% over needs when determining the number of guest parking spaces. Chairman Best liked the open space, sidewalk, island, and a cul-de-sac rather than a hammerhead. Kevin Anderson will discuss whether to have one or two entrances with the Fire Department. Angelo Drive is the main entry. Chairman Best would agree to whatever the Fire Department suggests.

The applicant will apply for a Shoreland Permit. The buildings have been moved off of the sewer easement. The area around the development is unbuildable. There would be sidewalks on D.W. Highway. Kevin Anderson agreed to Chairman Best's suggestion to connect them to the internal sidewalks. He will deal with some open D.W. Highway drainage flows onto the property.

Public comment

Jean Washburn, 1 Willow Lane, said there should be another egress. Crossing four lanes to Dunkin Donuts is dangerous. The two homes located on Willow Lane should not bear the brunt of the entire project. The applicant should use his own property and create an access to Island Drive rather than use only Angelo Drive.

Mike Ross, 309 D.W. Highway, wrote that he is concerned about the entrance and exit into the new development. When exiting Angelo Drive, it is dangerous to turn left. A stop light should be put up. More cars coming in and out would only make this exit even more dangerous.

Erik Cook, 1 Willow Lane, wrote that previous traffic studies are out of date, especially since this would no longer be a 55+ development. He would like the second entry reinstated, or a traffic light at Angelo Drive if it is to be the only entrance and exit. It is not safe due to its location on a blind corner. Erik Cook disagrees with the density variance that was granted. One building should be excluded to make room for visitor/guest/family parking. He asked if this would be Section 8 occupancy. The developer is not honoring Rev. Wright's wishes to dedicate the land to recreational purposes. The development would increase congestion and traffic, but would not reduce taxes.

7. Discussion/possible action regarding other items of concern

Chairman Best reported the preliminary results of the April 10 survey about sidewalks on Route 3. He has not yet heard from the Nashua Regional Planning Commission (NRPC), who is conducting a formal data tabulation and analysis. In the interim, Nelson Disco tabulated the data himself. The Planning Board met with the Town Council on May 10, 2018. The Council is interested in discussing the survey results at its May 25, 2018, retreat. Per Nelson Disco's calculations, 195 respondents want a sidewalk/bike lane on D.W. Highway, 23 do not and 21 did not respond to this question. The areas of most interest for sidewalks are Town Hall to Post Office (132), Town Hall to Merrimack Commons (117) and Watson Park to Twin Bridge Park (190). In sum, of 239 surveys, most are positive and most focus on the Town Center and to and from Baboosic Lake Road.

Tom Koenig noted that respondents were not asked whether they are willing to pay the costs of installing and maintaining sidewalks. People want a continuous network going out from the Town Center. Chairman Best said NRPC would discuss results with the Board. Nelson Disco reminded the Board that the objective is a Master Plan for Route 3 from Greeley Street to Bedford Road that would satisfy DOT. There was discussion about how to make D.W. Highway more bike friendly. Tom Koenig will report to Town Council about the survey results.

Tom Koenig updated the Board about the TAPP grants and what structural improvements it would allow. Combining the two grants still does not leave enough funding for the original projects. The Town will have to reapply for the Woodbury Street sidewalk.

8. Approval of Minutes — May 1, 2018

The minutes of May 1, 2018, were approved as submitted, by a vote of 3-0-3, on a motion made by Tom Koenig and seconded by Neil Anketell. Alastair Millns, Dan Ricker and Nelson Disco abstained.

9. Adjourn

The meeting was adjourned at 9:37 p.m., by a vote of 6-0-0, on a motion made by Alatair Millns and seconded by Neil Anketell.