



# Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## MERRIMACK PLANNING BOARD

JUNE 4, 2013

### APPROVED MEETING MINUTES

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, June 4, 2013 at 7:30 p.m. at the Town Hall Matthew Thornton Room.

Chairman Robert Best presided.

Members of the Board Present: Alastair Millns, Secretary  
Stanley Bonislowski  
Lynn Christensen  
Nelson Disco, Alternate  
Councilman Thomas Koenig

Members of the Board Absent: Desirea Falt  
Michael Redding  
Matthew Passalacqua, Alternate

Also in Attendance: Nancy Larson, Planning & Zoning Administrator

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#### 1. Call to Order

Chairman Best called the meeting to order and appointed Nelson Disco as a voting member in the absence of Desirea Falt.

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

None.

Chairman Best informed the viewing audience the next meeting of the Planning Board will be conducted on June 18, 2013. Ms. Larson stated her belief the June 18<sup>th</sup> meeting would be a joint meeting with the Master Plan Steering Committee. The intent would be for the Committee to provide a presentation to the Board on that evening; likely as the last agenda item.

Chairman Best commented although Mr. Disco had requested a meeting be scheduled for the sole purpose of receiving the presentation, given the amount of business before the Board and the desire not to put the presentation off too far into the future, it was believed best to schedule the presentation for an upcoming meeting. Ms. Larson noted the desire to get the two groups together and the Master Plan approved in order for the next step(s) to be taken. Chairman Best noted, although he does not believe VHB would abandon the process, technically their contract comes to a close at the end of June. Mr. Disco suggested June 25<sup>th</sup> as an open date.

**3. Discussion/possible action regarding the nomination Mr. Anant Panwalker** to be reappointed as one of Merrimack's representatives to the Nashua Regional Planning Commission. This recommendation is made pursuant to RSA 36:46 (III).

Ms. Larson suggested Mr. Panwalker provide the Board with an update on the work he has been doing with the Nashua Regional Planning Commission (NRPC). Mr. Panwalker noted he has been a Commissioner on the

NRPC for the past 1½ - 2 years. During that time the NRPC has completed work on the three-year and five-year plans. Work will begin shortly on the ten and fifteen-year transportation plans with an eye on 2025 and 2040.

He noted the New Hampshire Department of Transportation (NHDOT) is working with the various regional planning commissions in an effort to set a unified format for the submission of transportation projects so that all projects go through a similar approval process.

**MOTION BY MEMBER CHRISTENSEN TO RECOMMEND THE REAPPOINTMENT OF MR. ANANT PANWALKER TO THE NASHUA REGIONAL PLANNING COMMISSION  
MOTION SECONDED BY MEMBER BONISLAWSKI**

ON THE QUESTION

Chairman Best noted Mr. Panwalker was originally appointed to fill an unexpired term. When asked, Mr. Panwalker remarked he has enjoyed the nature of the work in that it considers projects based upon the impact to Merrimack as well as the surrounding communities. Mr. Millns noted the term of office is four years.

Mr. Disco stated a desire to receive additional information regarding the activities of the NRPC. Ms. Christensen suggested Mr. Panwalker could be asked to provide the Board with an update at a future meeting. Councilor Koenig suggested the Merrimack delegation to the NRPC, as a whole, be invited to provide the Board with an update on the activities of the NRPC.

**MOTION CARRIED  
6-0-0**

- 4. College Bound Movers (applicant) and DW Development & Land Services, LLC (owner) – Review for consideration of Final Approval of a site plan application proposing the establishment of a commercial moving facility. The parcels are located at 723 & 725 Daniel Webster Highway and lie within the C-2 (General Commercial), Aquifer Conservation and Planned Unit Development Overlay Districts. Tax Map 7E, Lots 048-1 & 048-2. **This agenda item has been withdrawn by the applicant.****

Chairman Best informed the Board of a request to go out of the regular order of business and take up either or both of the discussion items as a means of providing the applicant for Agenda Item #5 additional preparation time.

***There being no objection, the Board went out of the regular order of business and took up Agenda Item #6.***

- 6. Discussion/possible action regarding a request for a reduction of the performance bond for Valleyview Drive.**

Chairman Best noted the Board's receipt of a copy of a communication from Kyle Fox, Deputy Director, Public Works Department to Timothy Thompson, Director, Community Development Department regarding the performance bond reduction request for Valleyview Drive. The communication indicates the Board set the initial bond for slightly over \$325,000 and was reduced to \$228,122 at the Board's January 22, 2013 meeting as a result of work being done. The Applicant has continued to make the necessary improvements and has not yet posted the bond.

The requirement is either to make the improvements or post the bond before building permits will be issued. Deputy Director Fox has determined the appropriate amount, based on the remaining work, to be \$144,732. The recommendation is to adjust the bond to that amount.

**MOTION BY MEMBER CHRISTENSEN THAT THE BOARD REDUCE THE AMOUNT OF THE PERFORMANCE BOND FOR VALLEYVIEW DRIVE TO ONE HUNDRED FORTY FOUR THOUSAND SEVEN HUNDRED THIRTY TWO DOLLARS AND SIXTY FIVE CENTS (\$144,732.65)  
MOTION SECONDED BY MEMBER MILLNS**

ON THE QUESTION

Mr. Bonislowski noted the item has appeared on several agendas and been postponed. Ms. Larson explained what was proposed is slightly different than what is being constructed. She noted a subdivision was approved by the Planning Board back in the '70s to build all of the Valleyview subdivision. Either end of the unconstructed middle section was built. The middle section is currently partially built to create frontage for existing lots to be developed.

Mr. Maggio visited the department several months ago and questioned how to go about gaining approval to build. He was informed he would have to comply with today's road standards as best he can. The connection was already approved, and Mr. Maggio wished to build fewer lots than were initially approved. Administrative approval was granted to pave the west side of the center area to Town standards and dead-end at a stub. From that point to the other end of Valleyview drive was going to be an access road for emergency vehicles. Mr. Maggio decided later on that he would try and see if he could pave that section and create an entire paved, built to Town standards roadway in order to further subdivide the larger parcel (information shared with the Planning Board through the application that was postponed). Mr. Maggio has not returned with that plan. The proposed subdivision was intended to help finance the full length of the roadway construct.

Mr. Bonislowski stated his desire to see the road completed. He remarked Town entities, e.g., police and fire, are very excited to see the road connected, and he believes it would be helpful to the neighborhood as emergency personnel and delivery drivers struggle to distinguish between the two sections. Ms. Larson explained further although the roadway is still being constructed, it is not to the same degree the Planning Board had seen on the recent application that was never carried out.

Ms. Larson stated her belief that the bond amount is not based upon the entire middle section being paved as a 24' wide Town road. There is a certain amount of it that will be constructed and end at a back-up stub and then the remainder to connect to the existing Valleyview Drive at the other end would be paved, but would be a narrower cross-section of paved roadway (12'), and would be intended for emergency vehicles only (signed/not gated). Ms. Larson noted emergency access will be addressed, and suggested the issue of delivery drivers may be resolved through signage at either end of Valleyview Drive inclusive of address numbers, arrows, etc.

Mr. Disco questioned whether the adjustments were deemed a change to the original site plan, and was informed they were not. Ms. Larson noted the three lots on the west side of the road will still have all required road frontage, built to Town standards, for issuance of building permits and satisfying all zoning requirements, and the one larger lot on the east side of the road will satisfy minimum road frontage. She commented if an individual is looking to build enough roadway to satisfy the frontage requirements for issuance of a building permit and making the lot legal based upon today's standards, the Town would not force him/her to construct another few thousand feet of roadway. That is essentially what Mr. Maggio is doing, e.g., instead of not building that additional linear feet of roadway and just leaving it as barren land and not allowing any kind of connection, his alternative is building that section of roadway for emergency vehicles only.

Ms. Christensen questioned what would prevent a delivery vehicle from using the emergency road if not gated. Ms. Larson responded there would be nothing in place to prohibit such use. Mr. Bonislowski questioned whether the bond amount would be sufficient to construct a 12' or a 24' wide roadway. Chairman Best stated it would support what is being proposed; 24' wide for the frontage for the four house lots and 12' wide for the remainder (emergency access).

**MOTION CARRIED**

**4-1-1**

*Member Bonislowski voted in Opposition*

*Member Disco Abstained*

Mr. Millns noted he has reviewed the draft document provided by Director Thompson outlining proposed changes to Section 5 of the subdivision regulations, and believes it important this particular matter and the level of confusion around it be brought to his attention to support the belief that the proposed change of eliminating the opportunity for the Planning Board to review changes in performance bonds is not a good idea. Chairman Best agreed for certain projects that would hold true. Mr. Millns stated he would express his views to Mr. Thompson via e-mail, and would copy members of the Board. Mr. Disco stated his agreement. Chairman Best remarked he is in favor of calling attention to this particular application and requesting Mr. Thompson consider it as he revises his draft.

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

- 5. Wigston Properties, LLC. & Edgebrook Heights, LLC./Q. Peter Nash, Trustee of the Q. Peter Nash 1987 Revocable Trust (applicants/owner)** – Conceptual discussion of a proposed mixed use development site plan consisting of retail, office, multi-family residential & assisted living. The parcels are located in the I-1 (Industrial) District located at 1, 37, 39, 55 and an unnumbered parcel, D.W. Highway, Merrimack, NH. Tax Map 1E, Lots 004-1 & 004-2, Tax Map 2E, Lots 006-2, 007 and 008.

Jim Petropulos, PE, LEED AP; Hayner/Swanson, Inc., stated the property is located in southeast Merrimack and is comprised of the five lots identified. The property measures 35.8 acres and is zoned I-1 Industrial. The property is abutted to the north by the former Nashua Corp. building, to the east by the B&M Railroad as well as Pennichuck Brook, which defines the corporate limit between Merrimack and Nashua, to the south by an undeveloped track of land that the New Hampshire Department of Transportation (NHDOT) purchased as part of the circumferential highway plans back in the '80s, and to the west by D.W. Highway. Across D.W. Highway is the Harris Pond mixed-use development. In the southeast corridor as you continue to travel north is a mix of commercial properties up and down the street.

The main body of the site was originally designed and permitted in the late '80s for an office park. The project included two large office buildings totaling 123,000 sq. ft. and 430 spaces primarily located in the front part of the site. That project was never constructed. The applicant, in addition to purchasing that property, also purchased about 5 acres to the north (2010). That property had an approved plan (2001) for a 36,000 sq. ft. industrial building. The only thing constructed on that property is a portion of a paved parking lot and a ball field.

While a very visible property from D.W. Highway, the site enjoys approximately 1,600 linear feet of frontage on D.W. Highway, the majority of the site is treed with the exception of the aforementioned parking and former ball field. Pennichuck Brook defines the property line in the southeast corner as well as the corporate limit with Nashua. Pennichuck Brook goes under a railroad culvert and enters into the Merrimack River just east of the railroad tracks. Utilities to the site include municipal sewer into the Nashua Corp. property with easements that run through the property, water exists on D.W. Highway as well as telephone, electric, and gas. Preliminary testing indicates sandy soils. The site is located in the Aquifer Conservation District even though it is serviced by Pennichuck Water Works, not the Merrimack Village District.

Mr. Petropulos remarked a Conditional Use Permit is an interesting element of the zoning code, and allows for mixed-use developments in the Industrial zone. The purpose of that section of the Ordinance was to integrate various users in a master plan that is approved by the Board, and is a plan that should be flexible and reasonable. Four things are needed for a commercial use in the industrial zone; 1) sewer, 2) water, 3) fifty acres in size, and 4) 500' of frontage on D.W. Highway. The property enjoys two of the four; sewer and water. The property is 35 acres in size not the required 50 acres, and has 1,600' of frontage; however, the lots created on the property each do not exceed 500' of frontage.

Earlier in the year the applicant appeared before the Zoning Board of Adjustment seeking relief of the acreage and frontage requirements. Variances were received. The applicant then began putting together a master plan for the property. Before getting too far into that process the desire was to appear before the Planning Board. He remarked, other than the Premium Outlets, this is the first Conditional Use Permit he believes the Board to have gone through in a definitive form. He remarked the ordinance does site what the project is believed to be abiding by; mixed uses, reasonable plan, balance, buffers, and a lot of things already within the ordinance jelled together into one cohesive plan. It started out with bubble diagrams about what types of uses could go onsite. Because of the mixed use across the street on Harris Pond, it is known they could enjoy a lot of varied uses and services, e.g., small business, bigger buildings, dance studios, etc. The applicant is not sure who could be entertained for the site and no solicitation has taken place.

The way the bubble diagrams worked out, there would be a retail component in the north part of the site (former parking lot and ball field), a mix of professional offices located along the frontage of D.W. Highway, an elderly component in the form of assisted living, and multi-family housing in the lower reaches of the property. In the end, five lots are created, although in a slightly different shape/form; a sub-division allowed by code.

Mr. Petropulos stated access is directly across Harris Pond Drive at the signalized intersection. The proposal is that of a public road, cul-de-sac (landscaped feature with signage), as it provides frontage to one of the lots. The

public road has one channelized location (do not want multiple curb cuts) and multiple lanes; one in and two out. He noted the signalized intersection will need to be re-worked. The initial idea of the retail site is a gas mini-mart (canopy with gas pumps and a small number of parking spaces). Connector access will be to a multi-tenant commercial building (80' deep by approx. 240') with 100 parking spaces (5/1,000 sq. ft.). The site also provides an access out of this particular pad that could reach the unsignalized intersection. There would be some geometry improvements needed to the intersection similar to the 2001 approval for the office building on this site, but the applicant has easement rights to cross that. It is believed that would be a good second means of access for any emergency vehicles.

Off of the public road and cul-de-sac would be the office component; partial two-story building measuring 32,000 sq. ft. Small businesses/services could be located in that building. The assisted living facility is anticipated to be a three-story building (approx. 64 beds). Mr. Petropulos commented that assisted living facilities tend to have a low number of parking spaces and traffic counts (40 spaces provided for staff and residents). One of the intricacies of the code is that the piece of land needs to be 3 acres in size. Frontage for the three acres comes from the cul-de-sac.

Off the cul-de-sac is a private road that leads down. Topography is relatively high and flat in the front and falls off low to a flat area in the back. Proposed in the back is a multi-family residential development; combination of three-story buildings, two of which would have drive-under garage parking, pool and clubhouse, the third would be a three-story building with surface parking and a little turnabout at the end. Parking is available for 363 cars.

The Pennichuck Brook area does have floodplain associated with it as well as the Shoreland Protection District. There are a lot of permits involved; however, no wetlands would be filled as part of the project, and it is believed Shoreland is being complied with.

Mr. Petropulos spoke of a 40-50' buffer of grade change that is naturally treed. The intent is to protect that as it serves as a good backdrop to the buildings up front and a good buffer for the multi-family buildings. He remarked some of the units and the clubhouse would not be visible from D.W. Highway. For life safety access, the project proposes a combination walking path and access behind the three-story buildings. With regard to phasing, it is likely the multi-family buildings would be the first piece with the balance constructed based on market conditions.

Mr. Petropulos noted the need for the application to formally appear before the Board for approval of the Conditional Use Permit. The way the regulations read, the applicant can come in with a sub-division and show and permit portions of the project, e.g., could come in with the sub-division for the road design and the creation of the lot showing the multi-family dwellings as long as the plan is in compliance with the approved Conditional Use Master Plan. He remarked if a restaurant were desired on the corner, they would need to come before the Board. Although he is not sure the Conditional Use Permit would have to be amended as it is an allowed use in the zone, a definitive site plan would be needed.

With regard to parking, Mr. Petropulos stated the project complies with parking requirements with the exception of the multi-family dwellings. For a multi-family unit you apply a 1.25 space per bedroom. It is known the multi-family buildings will have a mix of 58 one-bedroom units and 110 two-bedroom units (35% 1-bedrooms). When calculated that number plus .5 per unit, the code requires 432 parking spaces. The proposal is for 363 counting a piece earmarked in a remote location. That represents a ratio of 2.16/unit, which is a high ratio. He noted Nashua has a range of 1.5 to 1.9. The 432 is a ratio of 2.57. It is their belief that ratio is slightly high. He noted the code allows for the applicant to provide proof the ratio is higher than needed, which can be done in a few different ways; can provide a parking study that looks at a number of different multi-family projects in the greater area and do parking counts or can fully design the 432 spaces and get it permitted, but earmark some reserved for the future. The applicant has not yet decided which to pursue.

Chairman Best questioned whether the number of parking spaces includes the ones planned under the two buildings, and was informed it does. When asked for the amount of parking under the buildings, Mr. Petropulos stated the buildings are 24-unit and 36-unit buildings. Under the 36-unit will be 40 spaces and under the 24-unit 32 spaces.

Mr. Bonislowski spoke of difficulties that arise with underground parking if the spaces are not wide enough. He suggested the amount of parking identified for the clubhouse and the pool is insufficient. Mr. Petropulos remarked it is a good comment, and noted the intent to centrally locate those amenities to entice residents to walk

to them. He stated that parking for the pool and clubhouse as well as for the underground parking, would be looked at.

Mr. Petropulos spoke of density and noted what was found in going through the Conditional Use requirements is they default you to meet the PUD requirements, and give you a method by which to determine density for a project, which is essentially based on net tract area where you take the total area and subtract out wetlands and 25% slopes. The wetland areas are easily understood as you cannot build in them, and technically you really don't develop multi-family projects in 25% slopes as they are too steep, but 25% slopes do have value to a project. In this particular interest, the buffer between the two projects would be gained. It is their belief the code is slightly confusing, and is the same code used for developing cluster single residential densities where you get more density for less number of bedrooms. He used the example of Whittier Place which is a cluster. When you do the math you end up with 3 units per acre, and that is kind of what the density in the multi-family units provides. They do not believe it is reflective of typical multi-family development densities. Their densities for 168 units on 23 acres is about 7.2 units per acre. For single-family residential, that is certainly high, but for multi-family residential, they do not believe it is. He stated his belief that there is no way around the well written code. Therefore, they would have to seek relief on density requirements from the Zoning Board.

Mr. Disco stated he is pleased with the plan. He noted the existence of a master sewer plan, which has recently been updated. He stated his recollection that the old master plan had a line that ran through the property called the Pennichuck Interceptor. He questioned whether that has been considered in the planning process. Mr. Petropulos stated they are completely aware of the interceptor. He pointed out the location of the treatment plant and noted the master plan ran a profile all the way from that location to Pennichuck Square out on Amherst Street, and that is what was going to sewer the southern rim of Merrimack. As the land became developed over the years with projects like Heron Cove and Fidelity, and with the Pennichuck properties being purchased by the City of Nashua, things changed. The engineering core in Merrimack agreed that the likelihood of constructing that very difficult piece of sewer through the highway, along wetlands, is just not going to happen. However, certain easements still exist. The intention is to run the sewer to service the project, and, if necessary, a stub will be left out. The only remaining property that could potentially connect into it would be Southwood located across the street.

When asked if it would be sized consistent with the master plan, Mr. Petropulos remarked when the pump station for Heron Cove was done, it was proved the sewer does not need to run all the way around. It could go from the south end of BAE and Al Paul Lane and run essentially east down Henry Clay Drive, around Henry Clay Drive, and then back into the treatment plant. Therefore, there is no need for the run.

Ms. Christensen questioned whether the intent was for the multi-family units to be rental properties or condominiums. Brad Westgate, Esq. Winer & Bennett, responded the initial thought is rentals. Mr. Disco questioned whether the road going through the area would be private and maintained by the owner of the residential properties. Attorney Westgate stated the entire road system would be private other than the stub road. There will likely be a small amount of cost sharing in the trunk line road that goes from the cul-de-sac on the south into the multi-family dwellings. He remarked typically documents that govern road maintenance like this usually state you maintain what is on your lot and share that which you use with others.

Mr. Bonislowski questioned whether all three multi-family buildings would be constructed simultaneously. Mr. Petropulos stated that is likely to be the case. He added they are typically completed one month apart from each other.

Mr. Disco remarked one of the reasons behind the requirement of 50 acres for commercial use in the industrial zone was to allow space for buffering between industrial and residential uses. The site has a topography that works great on the site. However, he is concerned with buffering to the north to the Nashua Corp. property (a present industrial use). Also an issue is the railroad. There is hope that railroad use will increase. The railroad is very close to the property and consideration should be given to sound buffering, site buffering, and residential safety. He stated a desire to see that addressed in the application. Mr. Petropulos responded what is interesting about conditional use is each lot and its use controls the setbacks and buffers, e.g., retail is different than multi-family and different than office use. He remarked it will be somewhat tricky working with staff to ensure it is done correctly. The plan tries to set everything back from D.W. Highway first and foremost. Retail and commercial buffers are pretty minor (basic setbacks), but the multi-family dwellings do carry a 50' perimeter buffer, and the plan tries to maintain that; 50' along the edges and along the Nashua Corp. property. He stated the intent for the

plan to be fully compliant with buffer requirements. He commented remarks made regarding a buffer along the edge of the railroad will be considered.

Mr. Disco stated his expectations that Best Management Practices (BMPs) would be used in addressing drainage and treatment. Mr. Petropulos noted drainage is in the direction of the brook and the site has good soils. It is his belief that some of the smaller uses will utilize low-impact development solutions, e.g., rain gardens, recharges, etc., and some of the larger surfaces may need something greater. He remarked it is good there is an outlet to the site and the project will provide quality treatment and let it go before the brook crests up.

Mr. Disco questioned the configuration of Lot E. Mr. Petropulos explained Lot E with frontage on D.W. Highway, runs through the brook, and back. Because density is based on land area, additional land area was needed for the multi-family dwellings, which is where the small finger area came in. Mr. Disco remarked it looked strange and lead him to wonder if thoughts had been entertained about making another tie-in road over to the Nashua Corp. property. Mr. Petropulos stated his clients have had and will continue to have discussions with Nashua Corp. One of the items likely to be discussed is the possibility of a gated entry in that location to benefit both properties in terms of emergency access.

Mr. Disco stated his belief some of the items to be addressed in the Conditional Use Permit requirements go beyond the capability of CLD. He noted the Board has historically hired its own reviewers/consultants, and questioned whether staff is up to speed and the applicant aware of the needs the Board will have for an independent review. Ms. Larson stated they have not yet reached that level of discussion internally, but each of the criteria would be gone through to make a decision as to whether it is something that can be reviewed internally as part of the normal process. They will certainly have CLD chime in on the engineering related issues when appropriate. If there is something above and beyond staff capability, advice will be sought elsewhere. She added this level of CUP requirement is not nearly to the degree of requirements that are specific to an outlet village shop. However, they are still extensive.

Mr. Disco noted there are issues such as financial return to the Town, etc. Ms. Larson stated any economic issues, fiscal impact studies, etc. would be contracted out. Mr. Petropulos stated his agreement with Ms. Larson in that he found the regulations to be very simplified. He noted the intent to submit a fiscal report, traffic report, etc. He stated he is confident staff will provide good comments.

Mr. Disco commented if the desire is to consider inclusion of a restaurant, that should be discussed as it would affect parking. Mr. Petropulos suggested it to be a good idea to include a placeholder for a restaurant in the retail section so that parking for such a facility is included in the calculations. He remarked it often occurs that multi-tenant commercial retail space attracts the sandwich shop or small restaurant.

Mr. Millns spoke of the density of the housing and likelihood there would be a significant number of children residing in the area. He remarked if a private road beyond the cul-de-sac, school buses would not normally travel in the area unless adequate provisions are made for them to enter the area and have a central location point to pick up children. He also suggested the need for recreational space for children.

Mr. Bonislowski stated he is uncomfortable with a single proposed exit and is of the belief an emergency exit needs to be incorporated into the plan. Chairman Best noted there are two exits, although both are located at the same end. Mr. Petropulos stated the concern would be looked at.

Chairman Best noted the issue of density would be addressed by the Zoning Board, however remarked if parking is accommodated; he would not have concern with density. He noted, although he is aware of the good deal of waiver requests the Board receives for parking on commercial property, he had not had the opportunity to review whether there have been requests for multi-family developments. He stated his opinion that parking around a home has a higher priority. He stated a willingness to hear the argument regarding Merrimack's requirements versus requirements of surrounding communities.

Chairman Best commented he is attentive to the idea of having a gas station in an Aquifer Conservation District area although he understands it is an allowed use and there are modern technologies that will protect it.

With respect to the two-story office building, he commented it makes him think of Crosswoods Path and Society Hill, which both have offices at the front that don't really integrate into the developments of which they are a part.

They don't look like the other buildings, don't fit in, don't share a use, etc. He suggested consideration be given to how the different aspects of the plan integrate together.

Mr. Petropulos remarked, because of the underground parking, it is believed there will be sufficient parking for the two buildings. He stated should the gas station come to fruition, he is fully prepared to be able to convince the entire Board that safety precaution measures will be taken and the project will be compliant with New Hampshire Department of Environmental Services (NHDES) standards. He stated consideration would be given to related uses. He suggested that it is likely service type companies would occupy that building, e.g., dance studio, fitness facility, etc.

Mr. Millns stated he is pleased with the plan and commented the schools could do with an influx of new housing suitable for younger children. He stated his belief the project is a great idea, if the issues can be addressed. He reiterated his concern is with the safety of the children.

Mr. Bonislowski spoke of the need to provide ample parking for residents and guests of the facility. Mr. Petropulos remarked what is being seen in multi-family units now is that the percentage of 1-bedroom units is much higher than the 35% quoted for this project; they are seeing a lot of independent, single one-car people in multi-family type projects. He stated the 35% figure would be reviewed to be certain it is correct. Mr. Millns suggested Mr. Petropulos review the Forest Ridge complex located in Nashua as he has first-hand knowledge that facility's parking works well for residents, guests, has sufficient handicap spots, etc.

Attorney Westgate spoke of the variance application that will be filed, and commented because they have a moving target with regard to the ultimate size of the lots, etc. he believes the approach that will be taken is to get the application in seeking a variance for up to 168 units in the multi-family as opposed to a certain amount per acre without regard to some limitation. They will not seek a variance to allow 7 or 7 ½ units per acre and then make the multi-family become 30 of the 35 acres. They will limit the gross number of multi-family units in the variance application but will try to tie it to a per unit gross acreage approach, perhaps something in the order of 7½ per acre with the 168 unit cap.

Chairman Best offered the public the opportunity to provide comment.

Debra Bult, Merrimack Drive

Ms. Bult questioned how far along in the process the project is. Chairman Best noted the discussion taking place was a Conceptual Review of the project where the applicants come before the Board to provide information on a project being considered and gain input. There will be a tremendous number of meetings coming forward; to consider the Conditional Use Permit concept, meetings before the Zoning Board seeking relief, presentation of Site Plans to the Planning Board, etc. He remarked this is day one of an extended process.

Ms. Bult stated she would likely be in attendance for future meetings as would other individuals residing at Harris Pond who have concerns similar to those raised by the Board. She stated parking is one of the major issues. She spoke of her experience that one parking space per unit is not sufficient. She commented that the trend she has seen is single-parent families having more than one child of driving age.

Ms. Bult remarked five years ago her family chose to move to Merrimack because of the town atmosphere. She serves as the Vice President of the Historical Society and has a desire to preserve the history that remains as she believes a great deal has been lost. She noted, as a member of the Historical Society, she has attended some meetings of the Planning Board, and the feeling she has walked away with is that D.W. Highway is the spot for business and multi-family structures. She commented although she understands it is a very busy road, Harris Pond is at the very end closest to Nashua on the south side of Merrimack where there is not a lot of development taking place, and they enjoy that. She stated a concern with the amount of traffic that would come with the addition of a restaurant and the concern that the feel of a quiet and close knit neighborhood would be lost.

Chairman Best commented what is being proposed as a mixed use development is an opportunity they have to do something on parcels that are zoned for industrial. Were they not doing what they are proposing, they could be putting, without any particularly special approvals, something really unpalatable across the way.

Ms. Bult noted her preference that the multi-family dwellings are that of townhouses rather than apartments, which would encourage owner occupants rather than renters. Chairman Best noted this property is the southern gateway of Merrimack, and how it turns out is very important.

Councilor Koenig commented the circulation into the back three buildings is complicated. There is a nice two-lane road that curves around and goes in there and then suddenly it is going through parking alongside three different buildings. He stated a concern with safety issues as well as servicing the buildings at the end of the lane. He spoke specifically to lack of identification of placement and accessing of dumpsters.

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

None.

**8. Approval of Minutes**

Merrimack Planning Board . . . . . May 21, 2013

**MOTION BY MEMBER BONISLAWSKI TO ACCEPT AS PRESENTED**  
**MOTION SECONDED BY MEMBER CHRISTENSEN**  
**MOTION CARRIED**  
**5-0-1**  
*Member Disco Abstained*

**9. Adjourn**

**MOTION BY MEMBER MILLNS TO ADJOURN**  
**MOTION SECONDED BY MEMBER CHRISTENSEN**  
**MOTION CARRIED**  
**6-0-0**

*The June 4, 2013 meeting of the Merrimack Planning Board was adjourned at 9:12 p.m.*