



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, NOVEMBER 7, 2017

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Desirea Falt.

Planning Board members absent: Michael Redding, Paul McLaughlin, and Alternates Nelson Disco and 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.

2. Planning & Zoning Administrator's Report

Robert Price announced the hiring of Kellie Shamel as Assistant Planner.

3. Merrimack School Administrative Unit # 26 — Presentation by School District and their architect regarding options for SAU Office project

Matt Shevenell, Assistant Superintendent for Business, SAU #26, said that, as the Planning Board suggested last year, he looked at several options for constructing a new SAU/central office building.

Paul Marinace, Architect, Marinace and Associates, presented three options: 1) A stand-alone building that could be on any site, with 8,200 s.f. on the first floor plus a basement for storage at a cost of \$3,164,000; 2) A two-story addition at the end of the high school where the present SAU is located. It would minimize the footprint. It would have an elevator, and corridors and stairwells on each floor with 12,000 s.f. plus a 2,000 s.f. basement at a cost of \$4,650,000 and would require a temporary one-year extra move while razing the current SAU and constructing a new one, and then a move back. 3) A one-story addition at the end of the high school with 8,800 s.f., at a cost of \$3,813,000. Parking would be lost and have to be replaced elsewhere and the driveway in back would be squeezed. This too would entail a temporary move and would mean giving up a potential site for an addition to the high school.

Matt Shevenell said the two current quarters total 4,200 s.f. One benefit of a new area would be a 1,400 s.f. conference room that could hold 30-40 people and could be divided in half. It would be used for professional development for teachers before the school year begins and have good quality acoustics. Conferences are currently held at other sites.

Paul Marinace said option #2 would be 4,000 s.f. more than option #1 because it would have two 170 s.f. conference rooms, corridors, an elevator, two stairwells, and toilets and utility spaces on each floor. SAU and high school stairwells cannot be mixed. A landing halfway prevents walking right into the high school. A firewall would have to be built between both buildings.

Matt Shevenell said Merrimack would like to be able to host a NH PowerSchool user group meeting. Bedford SAU runs it every Friday for 100 people from every school district in their conference room, which is the same size as the one proposed. Paul Marinace added this is a typical large conference room for an SAU, such as those in Keene and Londonderry.

Lynn Christensen, Tom Koenig and Alastair Millns objected that existing conference rooms at other schools could be used, the room would be used only when there are no students present (during professional development days before and after the academic portion of the school year), and it would not be needed if the new area were attached to the existing building. Eliminating the conference room would reduce the cost.

Chairman Best said the Planning Board is convinced that a separate building would be less expensive than duplicating things in an attached building. The problem is showing residents that it is the most efficient and necessary plan worth \$3+ millions rather than \$1.4 million that they previously voted down. A cost of \$360 per square foot is high.

Lynn Christensen agreed the current buildings are decrepit and uninhabitable and should be razed as soon as possible, but voters must be presented with something they would approve. A stand-alone building would not pass; another alternative should be found. The goal is to remove staff from the current conditions. Desirea Falt suggested a public relations campaign to make the community understand the need. Chairman Best added that they must also be convinced about a new plan and given industry standards for costs.

4. Discussion of Capital Improvement Program for School Administrative Unit # 26

Matt Shevenell explained projects for 2018-2019 and 2020-2023 and their need. Warranties are bonded and installers are certified. Roofs are guaranteed for 40 years. The existing school buildings would last for many years to come. Matt Shevenell described the technology adaptations, such as computers, cables, WiFi, etc. Enrollment is expected to increase from 3,740 to 4,200 in the next 10 years. Discussion about build-out ensued.

The Board voted 5-0-0 to rank all SAU #26 CIP items as “Necessary”, on a motion made by Lynn Christensen and seconded by Alastair Millns.

5. William Lastowka (applicant) and Land of Goshen, LL C. (owner) — Continued review for consideration of final approval of a Subdivision Plan for a twelve lot cluster subdivision. The parcel is located at 6 Watkins Road in the R-1 (Residential) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 4C, Lot 449.

This item is continued from the June 20, July 18, August 15, September 5, and October 3, 2017, Planning Board meetings.

The applicant was unable to proceed with the Zoning Board of Adjustment (ZBA) hearing because only four voting members were present, a situation beyond his control. He agrees to provide the Planning Board with another 65-day extension to the review period mandated under RSA 676:4.

Lynn Christensen objected that six months of continuances are inconvenient for abutters and should not be allowed to continue. Robert Price reminded the Planning Board that the applicant has been ready to present to the Planning Board, but staff recommended they seek a continuance because the Board had instructed the applicant not to return until he had received a variance to permit the existing improvements (barn, shed, home, etc.) to remain within a 100-foot landscape buffer. He added that the applicant has attempted to go before the ZBA in October and November with only 4 ZBA members having been seated each time. It is the applicant's legal right to request a full five-member Board be seated for their case. He also stated that the Planning Board could, if it chose to conditionally approve the project, include a condition of approval to obtain the required variance. Alastair Millns explained that the Board does not want to approve something that does not have the required relief already in hand. Discussion ensued about an indefinite tabling vs a continuance to a date certain.

At the applicant's request, the Board voted 3-2-0 to continue this item to December 5, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Desirea Falt. Tom Koenig and Lynn Christensen voted in opposition.

6. 4 Executive Park Drive Realty, LLC. (applicant/owner) — Continued Preliminary Design Review meeting to review traffic impacts and mitigation strategies of a potential 280 unit multi-family residential project located at 4 and 6 Executive Park Drive located in the C-2 (General Commercial) and Aquifer Conservation Districts and 100-year Flood Hazard area. Tax Map 4D, Lots 076 & 077. **This item is continued from the October 17, 2017, Planning Board meeting.**

Alastair Millns noted that Beta Group, the applicant's traffic engineer, had submitted a letter to Town consultant CLD addressing their comments. Chairman Best said the letter would not be discussed at this meeting; it would wait until after all Planning Board members have read it.

Jason Plourde, Project Manager, Beta Group, Inc., is awaiting the State's reaction to the proposed impact mitigations. He explained in detail the following video traffic simulations:

- existing weekday a.m. peak hour (7:40-7:50 a.m.), when there is stacking because there is not enough green time;
- existing weekday p.m. peak hour (4:00-6:00 p.m.) with stacking at various points because traffic signals are not coordinated;

- 2019 no build weekday a.m. peak hour (7:00-8:00 a.m.) with queuing at closely spaced intersections (spillback);
- 2019 build with improvements at a.m. and p.m. peak hours with loop detector fixed, equipment at four signals replaced, cables at various roads tied in, systems coordinated and peer-to-peer synchronization added.

He will correct the error in the direction of flow at the intersection of Turkey Hill Road and Amherst Street that the Planning Board noted.

Jason Plourde said the proposed improvements would not result in the intersections operating at Service Level A, but they would operate much better than currently. His projections are based on trip generation data and suggestions about study areas from the Institute of Traffic Engineers (ITE). He explained why the State and Town expanded the study area and predicted there would be no significant impact compared to today's conditions. A 5% traffic increase is not a lot; daily fluctuations can be 10%.

Jason Plourde would like to know whether the State and the Planning Board think he is moving in the right direction. Chairman Best said that, if the State denies the improvements, the Planning Board would not approve the project. If the State approves them, they must improve traffic flow to be better than the current conditions. Jason Plourde is confident the State will approve (with tweaks).

Chairman Best informed the Board and the public that peer-to-peer synchronization can be seen in Newton, MA at Lexington and Commonwealth Avenues and in Needham, MA along Great Plain Avenue (a.k.a. Route 135) at Chestnut Street/Chapel Lane and at Highland and Dedham Avenues. There are none in New Hampshire. He stated that spillback is the issue.

Tom Koenig did not understand why 280 apartments would not interfere with traffic. Most traffic in the study comes off the northbound ramps, but it also queues off the southbound ramp to go north and west on Amherst Road. Jason Plourde supplied figures. There would be one vehicle per minute coming from the apartments. The increase in traffic would be insignificant. Not everyone leaves and returns at the same time. Peak hours are included in the study.

Chairman Best said trip generation data are remarkably accurate and would help the Board to explain the traffic proposal to the public.

Jason Plourde noted that Paul Konieczka, the Town's peer review consultant, had reviewed the information and stated that everything is on the up-and-up and no corners were cut. Mr. Konieczka will know if something is wrong with the study or information provided. Jason Plourde explained the many rigorous reviews that the State requires.

Chairman Best suggested counting cars at peak hours at the entrance to similar developments, such as Society Hill or Crosswoods Path in Merrimack or Tara Heights in Nashua, to see if projections for Executive Park Drive are realistic. Jason Plourde predicts 141 trips in the a.m. peak hour, 172 in the p.m. peak hour, and 146 on Saturday.

Tom Prieto, co-owner, 4 Executive Park Drive Realty, LLC, wants traffic to work as much as the Planning Board does and will meet industry standards with a margin of safety. He cited a Lebanon, NH shopping center that he owns, which he checked 10 years later to see if his projections were accurate. The numbers actually decreased (because more people shop online). He agreed to study an apartment complex in the area similar to the project in order to counter the Board's skepticism. He would do traffic counts rather than a traffic study. He asked whether the Planning Board would be satisfied if the numbers match the ITE numbers. Chairman Best said the Board would look at that at the time of site plan review. Tom Prieto explained that he must meet standards in order to get insurance and financing. He will post the video simulation on YouTube or Facebook and provide a link for the Town to post on its own website. Residents can ask Jason Plourde questions through the link.

Jason Plourde explained why the study was conducted over only a two-day period in August when school is not in session. State guidelines require looking at a.m., afternoon and mid-day Saturday and to avoid Mondays and Fridays. Which days and the number of days do not matter because the State requires adjustments for different factors. There is a daily fluctuation of 10%. New Hampshire requires peak conditions rather than average conditions, so the count can be done at any time of year.

Jason Plourde explained that weather, traffic tickets, and accidents have an impact on traffic in the surrounding area. The study evaluates the "impact" of the project rather than all the factors that could take place. It is not a Corridor study or a planning study. Chairman Best added that it would not be the project that makes the situation better or worse in case of an accident.

Public comment

Chairman Best informed the Board that Donna Bailey, 5 Crosswoods Path Boulevard, had written the Board a three-page letter in opposition. The letter is available for review at the Community Development Department.

Dan Ricker, 12 Merrill Road, asked why pedestrian access is not in the simulation, who would be responsible for it and whether it would slow traffic. Chairman Best said that, although pedestrian traffic is not in the analysis, the Planning Board wants to have something. The pedestrian crossing could be at the Burger King intersection or somewhere else. The State controls the intersection. If it does not want a pedestrian crossing, the Board cannot require it. Alastair Millns noted that Beta Group's response to CLD addressed and incorporated multiple crosswalks and a sidewalk.

Bob Hebert, 3 Heidi Lane, has no faith in computer-generated simulations. He asked if the peer-to-peer system would be leased and whether the Town would later have to pay for its maintenance. Chairman Best repeated that the Town does not control those signals (they are NHDOT signals), so the Town would not be responsible for maintenance. The simulation shows where the backups really are. Bob Hebert noted that cars at Executive Park Drive and Amherst Street go in three directions. One car per hour from Executive Park Drive would back up traffic. Chairman Best said the reason why he wants to see the simulation again more closely is to be comfortable with

Beta Group's numbers; the data must be tested. It is Bob Hebert's opinion that the data are only an estimate.

George Theodorou, 10 Bryce Drive, suggested that a clock/time indicator be shown on the videos.

Jason Plourde explained that each video condenses one hour. It starts from zero and adds traffic. The Executive Drive sidewalk starts at D'Angelo's. A sidewalk could not be constructed from there to Amherst Road without crossing an abutting property, which the Town would have to buy from the landowner. If the Town buys the land, he would run a different analysis to see if it would work. Beta Group suggested possible pedestrian crossings, but they have not been discussed with the State. They would be pedestrian crossings rather than a pedestrian light. Chairman Best explained that the Town could get an easement rather than purchase the land, but Tom Prieto said he could not be held hostage to a property owner who does not want a sidewalk.

Jason Plourde will investigate whether a peer-to-peer system would be leased, but it would be controlled by the State rather than by the Town. The video simulation shows signal coordination rather than a peer-to-peer system; including that would improve the situation. Signal coordination could take over if the State decided it no longer wanted a peer-to-peer system.

Commercial driveways and curb cuts are accounted for. Additional traffic volumes added to the Greeley Street corridor would not significantly change operations of these un-signalized intersections.

Tom Prieto wanted the Planning Board to provide direction for the development team on moving forward with the project before doing what was requested tonight. The Planning Board agreed that the applicant has done what was asked of him thus far and is going in the right direction.

7. Suzanne M. Rescino (applicant/owner) — Review for a Home Occupation permit to allow for a hair and nail salon. The parcel is located at 50 Cota Road in the R-4 (Residential) and Aquifer Conservation Districts. Tax Map 5C, Lot 749.

Robert Price stated that a sign of 4 square feet is proposed, although the Ordinance states it can be no larger than 2 square feet. The applicant must either reduce the size of the sign or seek a variance from the ZBA.

Suzanne Rescino, 50 Cota Road, proposes a salon with a private bathroom, one station and a sign at the private entrance. She would do basic nails, hair coloring and washing without using harsh chemicals. She would operate up to three nights a week from 5:00 p.m.-7:00 p.m. and Saturdays from 9:00 a.m.-1:00 p.m. She agreed to reduce her sign to 2 square feet. Suzanne Rescino said she has a long driveway on which four cars can park and still have room to back out.

Public comment

Chairman Best read a letter from Barbara Fields, 47 Cota Road, who opposes the Home Occupation because increased traffic would upset the quiet residential neighborhood.

Dorothy Hood, 54 Cota Road, is concerned about creating a precedent of a small business in a residential area with clients coming to a home compared to a telephone or internet business with no clients coming to the home. Chairman Best explained that there are hundreds of precedents. This is an innocuous and widely allowed use. One non-resident employee is allowed, but Suzanne Rescino is not asking for one. It is not unique to Merrimack; it has been the law for 40 years. There would be no sudden change in the neighborhood nor a lighted sign. Robert Price explained that the use is permitted by the Zoning Ordinance, which he read. Lynn Christensen noted that there are at least two Home Occupations on Cota Road now.

Deborah Mathis, 21 Iris Drive, is concerned about traffic and impact on the neighborhood from a client-based business. Chairman Best explained that, if an application meets the Ordinance requirements, the Planning Board must approve it.

The Board voted to approve the application, by a vote of 5-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.

The Board took a five-minute break from 10:50-10:55 p.m.

8. Cloud K9, LLC/Spiel Group, LLC. (applicant) and Richard K. Gagnon Irrevocable Trust (owner) — Review for acceptance and consideration of a waiver of full site plan review for a change of use to allow for a dog grooming, boarding and daycare business. The parcel is located at in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 4D-3, Lot 008.

Laura Fiederspiel, 3 Alder Way, Bedford NH, is moving the business to and buying 29 Columbia Circle. She would eventually like to offer overnight boarding. If so, she would have an overnight shift. The business is by appointment only. The goal is for 60 dogs on site: 50 in daycare and 10 in grooming, with an eventual total of five full-time and one part-time employee. There are 2,800 square feet indoors and a 24'x72' (1,728 square foot) yard outdoors. The pavement would be removed and the three garage bays would be renovated. Odorless artificial turf specifically for dog yards would be installed. Solids would be scooped, bagged, and taken to the dump. The area would be hosed daily. There are 6" of packed gravel, which slopes and drains to a well in the rear. Luke Fiederspiel, 3 Alder Way, Bedford NH, added that water does not puddle but soaks into the ground. Laura Fiederspiel said the garage and outdoor area would be open as much as possible. There is no heat, so there would be fewer dogs in the cold weather. There is always someone with them. Staff would keep the area clean and control the noise. The period from 6:30-9:30 a.m. is exciting, then it settles down with little noise and picks up again at 4:00-6:00 p.m. pickup. Luke Fiederspiel said there are two floodlights in the yard now, which is sufficient. Chairman Best agreed it is enough to keep out intruders, but warned against spilling additional lighting onto neighboring properties. Luke Fiederspiel said the business is far from abutters at that point. Laura Fiederspiel said there is one floor drain in each bay in the building. Chairman Best

suggested checking with the Wastewater Division about whether the drains flow into infiltration into the ground or into the municipal sewer system, whether they keep contaminants out of the sewer system and whether there are oil-water separators. Robert Price said the Wastewater Division has a copy of the application.

Laura Fiederspiel said most traffic is from 6:30-9:00 a.m. and from 4:00-7:00 p.m. Owners do not stay long. The eight parking spaces they have at their existing location are never full. Luke Fiederspiel clarified that customers pick up dogs from 6:00-7:00 p.m. or else they stay overnight. Laura Fiederspiel requires vaccination records.

There would be a 6' high chain-link around the dumpster and a welded wire or solid white vinyl fence outside the dog yards, so there would be no sight line with the neighbors. Dogs are inside when it is dark. The gate locks. Chairman Best suggested fence inserts if chain link were used.

The Board voted 5-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

Alastair Millns 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 full site plan review, on a motion made by Alastair Millns and seconded by Lynn Christensen.

Public comment

Carl Soderberg, Able Ebenezer Brewing Company, 31 Columbia Circle, sent a letter saying he has no objections, but noted he is not sure if noise at the brewery may become an issue for the dogs. Tom Koenig suggested a privacy fence might be appropriate.

The Board voted 5-0-0 to grant conditional 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 Alastair Millns and seconded by Desirea Falt.

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. Any waivers granted (including Section and date granted) shall be listed and fully described on the final plan, as applicable;
4. The applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
5. The applicant shall address any forthcoming comments from the Building Department, as applicable;
6. The applicant shall address any forthcoming comments from the Fire Department, as applicable;

7. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
8. As requested by Public Works, the applicant shall add a note to the plan stating that a ROW permit shall be obtained from the Highway Division of Public Works prior to any construction disturbance within the right-of-way;
9. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
10. The applicant shall address the following Planning Staff technical comments:
 - a. The applicant shall add a north arrow to the plan;
 - b. The applicant shall add a signature block for the Chair and Vice Chair of the Planning Board;
 - c. The applicant shall add a note that reads “The reference plan is the approved site plan for Town of Merrimack Tax Map 4D-3, Lot 008 (CDD Plan #23T), entitled Site Plan: Sht. 4D-3 Lot 8, “Congress Park” Columbia Circle, Prepared for Dana Patterson, Inc., prepared by George F. Keller, Inc. dated March 21, 1985 and last revised April 25, 1985.”;
 - d. The applicant shall add a note that reads “The purpose of this plan is to establish a dog grooming/boarding/daycare at 29 Columbia Circle.”;
 - e. The applicant shall add a note that reads “The building consists of 2,800 square feet; 800 s.f. of office space and 2,000 s.f. of warehouse space.”;
 - f. The applicant shall add a note that reads “Required parking for the property is 18 spaces, and 18 spaces are provided.”;
 - g. The applicant shall add a note that reads “The building is serviced by municipal water (MVD) and sewer.”;
 - h. The applicant shall add a note that reads “There will be a maximum of 60 dogs and 6 employees.”;
 - i. The applicant shall add a note that reads “Proposed hours of operation are Monday through Friday 6:00 a.m. – 7:00 p.m. and Saturday and Sunday 8:00 a.m. – 2:00 p.m.”;
 - j. The applicant shall add a note that reads “All signage will comply with regulations and be properly permitted.”
9. **Hoyle, Tanner & Associates, Inc. (applicant) and OV P Management, Inc. (owner)** — Review for acceptance and consideration of a waiver of full site plan review for a drive-up ATM and associated site improvements. The parcel is located at 360 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation, Planned Residential Overlay and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 001.

At the applicant's request, the Board voted 4-0-1 to continue this item to January 16, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Lynn Christensen. Robert Best abstained.

10. **NeighborWorks Southern New Hampshire (applicant) and The Granite YMCA (owner)** — Conceptual discussion of a potential site plan for a redesign of a previously approved elderly housing development into a conventional 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.

At the applicant's request, the Board voted 5-0-0 to continue this item to December 5, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Desirea Falt.

11. Discussion/possible regarding other items of concern

Chairman Best and Alastair Millns agreed that the October 21, 2017, site walk at SRS Petroleum, 6 Wright Avenue revealed that the puddles about which Chris Ross (of Synergy Self Storage) complained were caused when he himself removed the berm.

Chairman Best recused himself from discussing and voting on the following item. At the Planning Board's request, Community Development Director Tim Thompson had drafted a letter from the Board to John Flatley Company expressing the Town's concurrence with requests made by NH Department of Environmental Services (DES) regarding their concern about substances that may impact the property approved for multi-family development and urging them to consider NHDES recommendations prior to developing the property. Tom Koenig stated that PFOA contamination is a controversial subject. It is not known how much impact low levels cause. He is concerned about unnecessarily raising red flags. Lower property values will achieve the same end. NHDES already sent a letter, which the Town is not required to amplify. Alastair Millns was not convinced this is a serious issue. It is the purview of NHDES and not of the Planning Board. The effect on construction workers is an OSHA issue. Lynn Christensen agreed.

The Board voted 4-0-1 to take no further action regarding a letter from NHDES to the John Flatley Company, on a motion made by Alastair Millns and seconded by Tom Koenig. Robert Best abstained.

Chairman Best informed the Board that Paul McLaughlin is interviewing for the vacant Town Council position. If he were to be appointed, then he would have to resign from the Planning Board.

12. Approval of Minutes — October 17, 2017

The minutes of October 17, 2017, were approved as submitted, by a vote of 4-0-1, on a motion made by Lynn Christensen and seconded by Alastair Millns. Desirea Falt abstained.

The minutes of the October 21, 2017, site walk were approved, with changes, by a vote of 3-0-2, on a motion made by Alastair Millns and seconded by Desirea Falt. Tom Koenig and Lynn Christensen abstained.

13. Adjourn

The meeting was adjourned at 11:40 p.m., by a vote of 5-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.