Town of Merrimack, New Hampshire
Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing
603 424-3531
Fax 603 424-1408
www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: May 28, 2015

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

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Old Blood Properties, LLC, and Joseph K. and Mary El Kareh (co-applicants/co-owners) –** Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. ***This item is continued from the December 16, 2014, January 6, 2015, January 20, 2015, February 17, 2015, March 17, 2015, April 21, 2015, and May 19, 2015 Planning Board meetings.***

Background: As the Board will recall, the applicant appeared many times before the Planning Board since 2009 to discuss this project in various forms, leading up to the submission of a formal cluster subdivision application in December 2014. Because the Board has seen this project so many times over a number of years, a background summary is not being re-written for this memo. Please refer to the previous 2014-2015 memos and minutes (in your packets) for a refresher on the background and various points of discussion and direction given by the Board.

The applicant is before you for their 4th public hearing (hearings were continued without formal discussion at the December 16, 2014, January 6, 2015, March 17, 2015, April 21, 2015, and May 19, 2015 meetings) on the formal application for the cluster subdivision.

The revised plans were received from the applicant on May 13, 2015, following revisions made by the applicant to address the previous review comments from Town Departments and our peer review consultant, CLD.

After the plan was continued by the Board at the May 19, 2015 meeting, staff has now completed a full review of the plans and information, and has received updated comments from impacted departments, boards, and commissions. The applicant is requesting action on the requested waivers, and conditional final approval of the application. As noted in the recommendation portion of this memo, staff recommends that the conditional approval be valid for a period of 12 months, rather than the typical 6 month time period. Given the relative complexity of the project and the required state permits, staff believes 12 months is appropriate for a project of this scale in order to avoid the need for extensions should the state permitting processes take longer than normal.

The main issue remaining to be discussed that is not currently indicated on the revised plans is the project's phasing. At this stage the applicant has yet to indicate either construction phasing or phasing of the lots. Staff has proposed several conditions specific to the phasing of the project. Additionally, Public Works offers the following comments relative to phasing:

- *The Planning Board should consider requiring Old Blood Road to be completed prior to issuance of building permits or certificates of occupancy if Old Blood Road is to be used for ingress/egress for the first phase of homes;*

- *Some of the improvements in this plan overlap yet to be completed improvements from the Prince Subdivision – The Planning Board may wish to discuss completion timeframe for the two projects.*

Completeness: *The Board accepted the application as complete at the January 20, 2015 Meeting.*

Waivers: The applicant is requesting 4 waivers from the regulations, summarized as follows:

1. Section 4.12.b (Street Design) – To allow road slope to be 1% whereas 1.5% minimum is required for a section of roadway in order to minimize wetland impacts. *Public Works supports this request as it reduces impact to wetlands and retaining wall height*;
2. Section 4.12.d (Street Design) – To allow an intersection approach grade of 1.5% whereas a 2.0% negative grade is required in order to minimize fill and allow for a "better transition" through the intersection. *Public Works supports this request. In addition to the comments noted by the applicant, it also allows for less depth over the sewer pipe for future maintenance*;
3. Section 4.18.b (Right-of-Way Work) – To allow for a 2:1 side slope at 2 wetland crossings whereas a 3:1 (or 4:1) side slope is required. *Public Works supports this request for the limited areas shown on the most current plan set*; and
4. Section 4.20 (Pedestrian Ways & Sidewalks) – To allow for not including sidewalks along the wetland crossing along the "entrance road from existing Old Blood Road to the south" and waiver of the required grass strip along the proposed sidewalk for a short section of road along a wetland crossing. *Public Works and Community Development staff supports the concept of no sidewalk from station 30+00 to 36+00 due to the width restrictions of the vernal pool. Additionally, the extra length of sidewalk will add little value to the neighborhood as it does not connect to other sidewalks as the Prince Subdivision was approved without sidewalks. Public works recommends that vertical granite curb (non-mountable curb) should be installed where the grass strip is eliminated to protect pedestrians from vehicular traffic, should the Board grant the waiver (this treatment was approved on the Conservation Drive subdivision).*

Staff recommends that the Board vote with respect to the requested waivers utilizing the criteria from RSA 674:36:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation:

Based on the information available to date, **the planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within *12 months* and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor, Professional Engineer, Certified Soil Scientist, and Certified Wetland Scientist shall also sign and seal final plans and mylars;
2. The applicant shall note all waivers granted by the Board on the plan (including Section, and date granted) as applicable;
3. The applicant shall obtain all applicable state permits (AOT, Wetlands, NHDES Sewer Connection), note permit approvals on the plans, and provide copies to Community Development;

4. The applicant shall provide draft copies of any legal documents (easements and required Homeowners Association/Condominium Declaration from Section 3.08.18 of the Zoning Ordinance) for review, at the applicant's expense, by the Town's Legal Counsel;

5. The applicant shall provide verification from the Town Engineer that the proposed relocation of Old Blood Road meets the approval of the Public Works Department as required by the terms of the Conservation Easement on Map 5B, Lot 10 (Middle School Property);

6. The applicant shall address the comments from the Town's peer review consultant, CLD, as applicable;

7. The applicant shall address the following comments from the Public Works Department as applicable:

    a. From Sta. 33+25+/- to 36+00, the road is placed to one side of the ROW. A sight distance easement extending a distance of 25' from centerline of road should be granted to the Town;

    b. Underdrain should be shown on both sides of the road in all cut section areas – add the underdrain to the typical section on both sides for clarity. Underdrain may be eliminated during construction by Town Engineer if conditions warrant;

    c. A grading plan should be developed for the intersection areas so the contractor can tell which roads are primary (carrying crown) and secondary (matching profile). The cross sections do show that the 36 stationing is primary to the 80 stationing but having a grading plan to show elevations at curbline is helpful;

    d. On cross sections, any slopes different than 3:1 should be labeled;

    e. Stamped shop drawings for the box culvert must be submitted to Public Works for review and approval. Must meet NHDOT specifications;

    f. Location of 2nd school zone flashing sign needs to be shown;

8. The applicant shall coordinate with the Wastewater Division for sewer permitting locally and with NHDES;

9. The applicant shall address any forthcoming comments from the Fire Department, as applicable;

10. The applicant shall address the following comments from the Conservation Commission as applicable:

    a. The Commission requests the applicant uses only a wetland seed mix at all retaining walls and other improvements being proposed along the roadways that are near wetlands, culverts, etc.;

    b. The Commission realizes there is no way to make recommendations that would flow to the eventual property owners of the homes that will be built in this subdivision. The Commission knows that seeding and plantings will need to be done as part of the road preparations and other infrastructure needed for the development. Given that, the Commission proposes that only no phosphate, slow release nitrogen fertilizers be used as part of this aspect of the project. The Commission further recommends that the applicant's contractor considers utilizing a soil testing facility to determine what levels

and applications rates may be necessary before doing any application of fertilizers on the site especially given the proximity to wetlands in the area;

c. The Commission recommends that one culvert be modified from what was presented. It is location C-6 as noted on plan sheet P-3. This is proposed to be 2 separate 24" HDPE pipes. The Commission would like to see a box culvert of an adequate size used instead. This culvert is to allow for the water drainage between two wet areas. The Commission believes a box culvert in this location would provide for better travel between the wet areas by the various small creatures that find their home in these wetlands, ponds, and their surrounding uplands;

11. Address the following Planning Staff Technical Comments:

a. The plan set does not contain plans or information regarding the required upgrade to the off-site sewer system (Baboosic Lake Road to the Middle School), which is a condition of the variances granted by the Zoning Board that permits the cluster subdivision and the proposed increase in permitted residential density. The applicant should add the appropriate plans to the plan set, or provide proper reference notes to plans that meet the approval of Public Works and the Wastewater Division;

b. The applicant shall obtain the approval of the Fire Department for street names and verify the proposed lot numbering is approved with the Assessing Department, and street addressing for the proposed lots with the Fire Department (and revise the plans accordingly, as necessary);

c. Please indicate the location of the "School Speed Limit" sign/lighting on the approach to the intersection with Madeline Bennett on the relocated Old Blood Road (currently only shown on the Madeline Bennett approach, *also requested by Public Works*);

d. Please add/revise the following notes to the plans:

i. Please add notes relative to the requirements of Section 3.08 of the Zoning Ordinance relative to Cluster Subdivisions:

1. Note explaining how density was calculated;
2. Note the residential net density of the developed portion of the site;
3. Open space requirement and actual amount of open space provided;
4. Note how the open space is to be protected;

e. Please add appropriate notes describing proposed project phasing (and depict graphically on the plans as applicable);

f. Please place the Planning Board "signature block" in a consistent location on the plans (preferably on the right side of the sheets above the titleblock) as much as is practicable;

g. The applicant shall verify that the "Cluster Subdivision Plan" sheets (Sheets #6-11) meet the requirements of the Hillsborough County Registry of Deeds for recording purposes (and revise/add sheets to the plan set as necessary). Staff understands that typically the Registry does not record plans that have topography on them.

Staff also recommends that the following general and subsequent conditions be 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. All proposed easements and any applicable legal documents (including the required Homeowners Association/Condominium Declaration from Section 3.08.18 of the Zoning Ordinance) shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;

3. As required by Section 3.08.13(f) of the Zoning Ordinance, all deeds transferring any interest in the real property included in the development shall specify that the common land/open space parcels in the development are acknowledged to be part of the residential use and do not qualify for "current use" real estate tax appraisal and assessment under NH RSA 79-A;

4. As stipulated in Section 3.08.18 of the Zoning Ordinance, any proposed changes to the project's Articles of Association or the Condominium Declaration following the final approval of the project shall require the prior written approval of the Planning Board.

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
John Manuele, Fire Marshall
Mark Doyle, Police Chief and Chair of Highway Safety Committee
Marge Chiafery & Matt Shevenell, School District
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

Town of Merrimack, New Hampshire
Community Development Department 603 424-3531
6 Baboosic Lake Road Fax 603 424-1408
Town Hall - Lower level - East Wing www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD
APPROVED MINUTES
TUESDAY, APRIL 21, 2015

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, Desirea Falt, and Alternates Nelson Disco and Jeff Sebring.

Planning Board member absent: Michael Redding.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and welcomed Alternate Jeff Sebring to the Planning Board. He designated Jeff Sebring and Nelson Disco to sit for Michael Redding and the vacant full member position, respectively.

2. Planning & Zoning Administrator's Report

None.

3. Keach-Nordstrom Associates, Inc. (applicant) and Valleyview Revocable Trust, Carol Maggio, Trustee (owner) – Discussion and possible action regarding a request for a reinstatement of conditional final approval and a six-month extension for compliance with conditions of an approval granted by the Planning Board on July 23, 2013, and July 8, 2014, to subdivide one lot into two single-family residential lots located at 15 Valleyview Drive in the R (Residential) District. Tax Map 5C, Lot 142.

Chairman Best read an e-mail from Tony Basso, Vice-President, Keach-Nordstrom Associates, Inc., asking for an extension to May 19, 2015, because there was no construction due to the long and snowy winter. It is scheduled to begin May 4, 2015.

Alastair Millns noted that Michael Maggio, FSB Consulting, had promised to meet the terms of conditional approval by Thanksgiving 2014. Failure to do so cannot be blamed on winter conditions. Tim Thompson explained that the missing piece to meet all the conditions of approval is the emergency access road. The performance bond for it is due in May 2015. He informed Tony Basso that Michael Maggio must either finish the work or the Planning Board would take action on the bond at its May 19, 2015, meeting. The administrative approval that includes the bond for the emergency access road was granted in 2012. Chairman Best noted that the applicant promised to complete the access road as part of the two-lot subdivision. If he does, the Board will look more favorably on the subdivision. Tim Thompson said he suggested a continuance to May 19, 2015; the bond will expire at the end of May 2015. If the Board were to deny tonight's request for reinstatement/extension and if the bond is called, Michael Maggio must return to the Board for the second lot because the approval would have lapsed. He cannot get a building permit for the second lot without Planning Board approval for the subdivision. No extension means no second lot. The process would have to begin again with a new application for a two-lot subdivision. Chairman Best said the site is a "disaster" and a "mess". However people living nearby would be better off if Michael Maggio is in compliance rather than walking away from the property. He supports the continuance. Tim Thompson

said the road to the emergency access road would be completed according to the design that is part of the administrative approval. There are sufficient funds in the performance bond to complete the work and for a two-year maintenance bond. Chairman Best said that the Planning Board had mandated that the destruction to the neighbor's yard must be fixed at their meeting in July 2014. Lynn Christensen said a continuance would encourage Michael Maggio to do what is right. Tom Koenig added that, although the neighbors are frustrated, he would rather see the project finished than see Michael Maggio walk away from it. Chairman Best noted that the barrels blocking the south end of the road are pushed to the side whenever someone feels like using the road. He has kept almost none of his promises.

The Board voted 6-1-0 to continue this item to May 19, 2015, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Lynn Christensen and seconded by Tom Koenig. Alastair Millns voted in the negative.

4. **Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners)** – Review for consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. ***This item is continued from the December 16, 2014, January 6, 2015, January 20, 2015, February 17, 2015, and March 17, 2015, Planning Board meetings.***

Tim Thompson said that CLD peer review comments were received only today. Now Meridian Land Services can make plan revisions and work with the Public Works Department (PWD). Ken Clinton, President, Meridian Land Services, Inc., said that CLD made very few substantial comments.

Ken Clinton said that, at the intersection from Old Blood Road to the subdivision, there is a sewer line with 20' access at Lot 42 with a storm water basin on the side slope. The plan was revised to create the four-way intersection that PWD recommended. 1:1 slopes were proposed at the wetland crossings to manage impact and fit the road improvements. There is a 35' easement with an abutter to the north. The unused Class 6 portion of the right-of-way on Old Blood Road places constraints on the use of Madeline Bennett Road and Merrymeeting Drive. A sewer can be placed there because of gravity flow. Since the storm water basin is no longer needed, a four-way intersection can be created and Lot 42 can be reconfigured. Deputy Public Works Director/Town Engineer Kyle Fox does not support 1:1 slopes because PWD cannot effectively maintain them. The compromise is to have 2:1 slopes and a limited 2'-high retaining wall opposite Station 33 plus 00. The impact is a wider footprint. The wall would be built with rectangular blast rocks from the site.

One drawback is eliminating the 3' grass strip and sidewalk in that section because of grading constraints. PWD supports a sidewalk waiver. CLD suggests erecting signs warning that there is no sidewalk in that section. Ken Clinton tried to install a sidewalk, as the Planning Board prefers. There will be a sidewalk on the frontage of every one of the 72 lots, wrapping around the internal loop, and extending to the school entrance. Only one part of Old Blood Road, the spur that was granted a waiver in 2014 and this section will not have a sidewalk. There are no other options.

A sidewalk can be installed on part of the spur to the 2:1 slopes, as Chairman Best suggested, but it makes no sense because there is no connection to Old Blood Road. Chairman Best also suggested making a turnoff to walk out where there is no sidewalk. Ken Clinton said that, because there would be no signs, the default speed limit by State law would be 30 mph.

Nelson Disco suggested a higher wall, but that would require a chain link fence on top. Kyle Fox objects that is too difficult for heavy equipment to maintain a wall higher than 2' at the edge of the easement. He wants more width at the bottom, even with a 2'-high wall. Several wall height and slope options were considered. A 2'-high wall is preferable based on overall design and maintenance considerations.

Ken Clinton stated that the section of sidewalk at Old Blood Road is not absolutely warranted; the School connection is. The sidewalk waiver is the only new waiver request. All others will be requested at the May 19, 2015, meeting. No lots would be affected by not having this section of sidewalk. Lynn Christensen clarified that the sidewalk would stop a little short of and make a safe connection to Old Blood Road, which does not have a sidewalk. She preferred 2:1 slopes and bringing the sidewalk as far as possible. Chairman Best has no issue walking on the road in his neighborhood, which is similar to this subdivision.

Nelson Disco was not persuaded that different wall heights were thoroughly researched. Ken Clinton explained that width is limited. Bringing the wall in 5', as CLD recommends, would make it higher. A sidewalk would make it even higher, possibly 10'-12', which PWD will not maintain. Ken Clinton will review PWD and CLD comments with Kyle Fox.

Chairman Best asked about phasing. Ken Clinton said the current plan refers to the roadwork and not to the lot phasing. The project is too large for all roads to be installed at once. The first phase would consist of upgrading and connecting the entrance points at Madeline Bennett and Old Blood Roads, installing drainage on the downslope section, installing temporary hammerhead turnarounds and easements at Lots 8-9 and 27-28. Hammerhead locations are determined because of minimal grading there and to meet dead end needs. Road lengths of 1,200' determine the phasing. The Board instructed Tim Thompson to find out whether there should be one bond at the beginning to include all the work or a bond for each phase. Ken Clinton said that timing, scheduling and lot numbers for each phase will be discussed with the Planning Board at a later date. There will be a total of 3,600- 3,800 linear feet of sidewalk. Ken Clinton does not know how long it will take to develop the site fully. The bonding would probably be done in pieces, with overlap as each phase is completed and another is begun.

Ken Clinton may ask for a waiver for a 1:1 slope at the ledge. Desirea Falt asked whether the homes would be custom built and Ken Clinton responded that he does not know who will design the homes. The developer may not be the builder.

Public comment

Rebecca Statz, 11 Bradford Drive, is a Merrimack school bus driver. She reported that several drivers are concerned about Madeline Bennett Road. Twice daily there are 37 standard school buses, special needs student vans, 1-5 charter buses, coach buses, bicycles, and skateboards, making traffic extremely congested and difficult. Two waves of buses line up on Madeline Bennett Road in the afternoon. As leader of the second wave, Rebecca Statz must sit in the cutout for 7-10 minutes until all the buses fit. Delivery trucks try to cut in front of them. As to the turn from Baboosic Lake Road to McElwain Street, a one-way road is unenforceable and can tie up traffic. It is not an effective fix. Adding non-school traffic on Madeline Bennett Road is risky. There is a concern about safety and about the efficiency of the school buses. If the second wave is held up at Madeline Bennett Middle School, the buses will arrive late at the other schools. Where will the buses stage if traffic is allowed onto Madeline Bennett Road? Blasting is also a safety concern because buses use two-way radios constantly. Rebecca Statz

suggested managing the timing of the blasting. Another concern is that children may pop out of the woods at random spots.

Laurette Cillo, 26 McElwain Street, is also a Merrimack school bus driver. She is concerned about the safety of the children and the parents who drop them off. Stop signs and rolling stops do not work. The hill on Madeline Bennett Road is an "ice skating rink" in winter and an "accident waiting to happen". The area is overly congested.

Tim Thompson read an April 20, 2015, e-mail from Matt Shevenell, School Business Administrator, stating that the School District would like to see the wetlands permit at the same time it is presented to the NHDES and reserves the right to comment to NHDES directly on any disturbance involving School-owned property in its current easement area. The original easement allows the Town minor encroachment into the easement area only for the purpose of upgrading Old Blood Road from Class 6 to Class 5. Ken Clinton explained that the retaining wall, slope design and awaiting CLD comments are why he has not yet gone to DES. He is committed to giving Matt Shevenell a copy of the permit at the time he submits it to DES.

Alastair Millns wants to be involved in developing signs that require drivers to signal where they are going if the road stays as it is. Ken Clinton said CLD made several comments about signs and bus queues. He will present the Board with a sign and striping plan.

The Board voted 7-0-0 to continue this item to May 19, 2015, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Desirea Falt and seconded by Alastair Millns.

5. **Anheuser-Busch, LLC. (applicant/owner) –** Review for acceptance and consideration of Final Approval for a site plan to construct three building additions totaling 55,100 s.f. and associated site improvements at the existing brewery. The site is located at 221 D.W. Highway in the I-1 (Industrial), Aquifer Conservation Districts and 100-year and 500-year Flood Hazard Areas. Tax Map 3D, Lot 031.

Tim Thompson said the applicant proposes to construct three separate additions to the main building. Two of the additions (totaling approximately 50,000 square feet) will function as warehousing and packaging facilities. The third addition of 5,300 square feet will be for brewing. Site improvements associated with the building additions include parking, underground utilities and subsurface storm water management area.

Tom Zajac, Civil Engineer, Hayner/Swanson, Inc., said the 196-acre parcel is surrounded by a mix of industrial and municipally-owned parcels. It is serviced by sewer and water by Pennichuck Water Works. The 590,000 square foot brewery is on the north; athletic fields, tour areas and stables are in the center; and the south portion is wooded and undeveloped. There are 202 full-time employees who work in three shifts 24/7. Access is at the four-way intersection on D.W. Highway. The employee and visitor parking lots on the west have 720 spaces. There are trailer and truck lots throughout the mostly flat property.

To be constructed are a new can and packaging line and brewery and warehouse capacity. There will be a 9% increase in building area: 27,000 square feet for packaging, 5,300 square feet for brewing and 25,000 square feet for a warehouse. There will be 38 new employees and 30 new truck trips daily, new loading docks, and reconfiguration of utility and storm water management. There will be disturbance to 4.7 acres or 2% of the parking or lawn areas, but there will be no new disturbed areas. Anheuser-Busch accepts the Merrimack Conservation Commission (MCC) recommendations about not using salt, de-icers or fertilizers and has a Green SnowPro contract and an Environmental Protection Agency (EPA) Storm Water Permit.

Town of Merrimack, New Hampshire
Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing
603 424-3531
Fax 603 424-1408
www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: April 17, 2015

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

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Old Blood Properties, LLC, and Joseph K. and Mary El Kareh (co-applicants/co-owners) –** Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. ***This item is continued from the December 16, 2014, January 6, 2015, January 20, 2015, February 17, 2015, and March 17, 2015 Planning Board meetings.***

Background: As the Board will recall, the applicant appeared many times before the Planning Board since 2009 to discuss this project in various forms, leading up to the submission of a formal cluster subdivision application in December 2014 (see previous 2014-2015 memos and minutes in your packets).

The applicant is before you for their third public hearing (hearings were continued without formal discussion at the 12/16/14, 1/6/15, and 3/17/15 meetings) on the formal application for the cluster subdivision. At the February 17, 2015 meeting, the Board voted to "endorse" the currently proposed intersection design at the new intersection of relocated Old Blood Road and Madeline Bennett. Also discussed were some potential waiver requests (see below).

Revised plans were received from the applicant on April 2, 2015. Plans have now been peer-reviewed by CLD, and review comments are expected to be received by 4/20 or 4/21, but were not available before this memo needed to be prepared for the meeting.

Completeness: *The Board accepted the application as complete at the 1/20/15 Meeting.*

Waivers: *While several waivers have been discussed (minimum road grade, approach grade at an intersection, maximum fill slope grade, pedestrian way / sidewalk through initial wetland crossing, etc.) at preliminary meetings in the past year, no written waiver requests have yet been received.* The applicant and Public Works both prefer to have time to review the CLD comments prior to submitting and making recommendations, respectively, on waiver requests. Staff recommends that action on any necessary waivers be taken up at the next hearing (see staff recommendation for continuing the application below).

Recommendation:

Based on conversations with the applicant's design team, and the desire for the ability to react to all Town and peer review comments, **the planning staff recommends that the Board continue the application to the May 19, 2015 meeting.**

The current Staff comments are as follows:

1. Community Development Staff reserves the right to amend, add, or remove any of the following comments pending the CLD peer review of the project;
2. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor, Professional Engineer, Certified Soil Scientist, and Certified Wetland Scientist shall also sign and seal final plans and mylars;
3. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
4. The applicant shall obtain all applicable state permits (AOT, Wetlands, NHDES Sewer Connection), note permit approvals on the plans, and provide copies to Community Development;
5. The applicant shall provide draft copies of any legal documents (easements and required Homeowners Association/Condominium Declaration from Section 3.08.18 of the Zoning Ordinance) for review, at the applicant's expense, by the Town's Legal Counsel;
6. The applicant shall address the forthcoming comments from the Town's peer review consultant, CLD, as applicable;
7. The applicant shall address any forthcoming comments of the Police Department, as applicable;
8. The applicant shall address the forthcoming comments from the Public Works Department which will be sent under separate cover prior to the hearing;
9. The applicant shall address the following comments from the Wastewater Division, as applicable:
    a. General Notes:
        i. A Town of Merrimack Wastewater Permit Application must be completed and approved by Roger Descoteaux before final plan can be approved by the Merrimack Wastewater Department. This permit also generates the appropriate sewer connection fees due the town before building permits can be issued;
        ii. Construction notes to include: All sewerage system construction shall meet Town of Merrimack Sanitary Sewer Engineering Standards-revised 2012 and all NHDES Standards revised October 2014;
        iii. Previous plan showed 10" PVC pipe from manhole E-10 to manhole 25. Current plan cites 8"PVC but manholes on this line show 10";
    b. Sheet P-4: SMH 108 shows a 1.5' difference in elevation. The slope coming from SMH 109 must be adjusted so there is either a 2' minimum drop invert or 1' or less slope across and channeled. If left a drop it must be called out on the plan and profile;
    c. Sheet P-5:
        i. SMH 26 shows a 1.2' difference in elevation. The slope coming from SMH 27 must be adjusted so there is either a 2' minimum drop invert or 1' or less slope across and channeled. If left a drop it must be called out on the plan and profile;
        ii. SMH 112 shows an 8" pipe in and out. This should be a dead end manhole with no in;
    d. Sheet P-6:
        i. SMH 20 is 14.72' deep and needs to be a 5' diameter structure. It also needs to be called out on the plan as such;

ii. SMH 21 has an out elevation of 349.21. It should read 339.21;

iii. SMH 22 elevations written over in profile;

iv. SMH 23 elevations written over in profile;

v. SMH 24 shows a 2' drop invert and should be called out on the plan and profile;

e. Sheet P-7:

i. SMH 12 out invert elevation shows 282.51-should read 292.51;

ii. 2) Pipe segment between SMH 14 and SMH 15 shall be a fully insulated pipe to bridge specifications due to box culvert clearances;

f. Sheet P-8: No pipe information provided in profile detail;

g. Sheet P-9:

i. No pipe information provided in profile detail;

ii. SMH 4 shows a 2' drop invert and should be called out on the plan and profile;

10. The applicant shall address all forthcoming comments from the Fire Department, as applicable;

11. The applicant shall address any forthcoming comments from the Conservation Commission as applicable;

12. The applicant shall obtain the approval of the Fire Department for street names and verify the proposed lot numbering is approved with the Assessing Department, and street addressing for the proposed lots with the Fire Department (and revise the plans accordingly, as necessary);

13. The applicant shall add roadway cross sections to the plan set in accordance with the requirements of the regulations;

14. Please correct the spelling of "queuing" (currently shown as "cueing" in 3 locations) on Sheet SP-1. In addition, please indicate the location of the "School Speed Limit" sign/lighting on the approach to the intersection with Madeline Bennett on the relocated Old Blood Road (currently only shown on the Madeline Bennett approach);

15. Please add/revise the following notes to the plans:

a. Please add notes relative to the requirements of Section 3.08 of the Zoning Ordinance relative to Cluster Subdivisions:

i. Note explaining how density was calculated;

ii. Note the residential net density of the developed portion of the site;

iii. Open space requirement and actual amount of open space provided;

iv. Note how the open space is to be protected;

b. Please add a note describing proposed project phasing (and depict graphically on the plans as applicable);

c. Please revise the spelling of "Community" in the recording note under the sheet index on sheet 1;

d. Please revise note #10 on sheet 1, replacing the phrase "acceptable by Public Works" with "accepted by Public Works";

e. Please add "no disturbance" after "25 feet" in note #3 on sheet 1.

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
John Manuele, Fire Marshall
Mark Doyle, Police Chief and Chair of Highway Safety Committee
Marge Chiafry & Matt Shevenell, School District
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

Town of Merrimack, New Hampshire
Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing
603 424-3531
Fax 603 424-1408
www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD
APPROVED MINUTES
TUESDAY, FEBRUARY 17, 2015

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Lynn Christensen, Desirea Falt, and Alternate Nelson Disco.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order and designated Nelson Disco to sit for the vacant full member position.

2. Planning & Zoning Administrator's Report

None

3. Public Hearing – Zoning Ordinance Amendments - Planning Board will conduct a public hearing to consider recommended amendments to Sections 1, 2, 3, 5, 6, 7, 8, 9, 14, and 17 of the Merrimack Zoning Ordinance, pursuant to RSA 675:6 and 675:7.

This agenda item was considered after item #6.

Tim Thompson explained that the General Government Department requested the Community Development Department to update the junkyard section of the Zoning Ordinance to comply with changes to state law. While doing that work it made sense to address several items that were out of date or incorrect, such as amending references to the "Board of Selectmen" to "Town Council", amending sections of the Ordinance that are not in line with the current format of Town government and department structure, and making minor typographical and intent clarifications.

There was no public comment.

The Board voted 7-0-0 to recommend that Town Council adopt the proposed amendments, on a motion made by Lynn Christensen and seconded by Alastair Millns.

4. Old Blood Properties, LLC and Joseph K. and Mary El Kareh (co-applicants/co-owners) – Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. ***This item is continued from the December 16, 2014, January 6, 2015 and January 20, 2015 Planning Board meetings.***

Tim Thompson stated that the School Board and the applicant reconsidered the Madeline Bennett/Old Blood Road intersection and the applicant has returned to the original sweeping curve design. There are six options suggested by the School Board with priorities of their preference for Planning Board consideration.

Ken Clinton, President, Meridian Land Services, Inc., said he sought comments from as many Town entities as possible. The intersection concept that the Planning Board "endorsed" in January 2015 was not agreeable to the full School Board. In his letter of February 5, 2015, the Chairman of the School Board submitted for Planning Board consideration a prioritized list of its preferences among the six options discussed so far. It is Ken Clinton's opinion that the best engineering design is a curved public road with school access as a driveway with a stop condition. Traffic consultant Steve Pernaw was hired to see if the School Board's previous recommendation of a roundabout was warranted. He recommended a "T" intersection with a stop sign at Old Blood Road as an alternate approach. Ken Clinton said that Steven Pernaw never met with him and understood perhaps 15%-20% of the project's background. Steve Pernaw views the School as the main traffic priority, whereas Ken Clinton views the public road as the main traffic priority. The "T" approach was rejected by the applicant because the Middle School is not responsible for the main traffic flow except for two times each day during the school year. Nelson Disco said the school does not want a stop sign on its property. Chairman Best said the school does not want to be responsible for a traffic light. Ken Clinton said the School Board recommendations contain a sweeping curve on the public road, in three of their options, Ken Clinton stated that a correctly designed road does not need a police officer.

Alastair Millns emphasized that the school bus schedule must be met so that school can begin on time in the morning. Buses must have priority during the two 25-minute periods in the morning and afternoon. Auxiliary police at other schools help to maintain the schedule and keep students safe. There should be restrictions that give priority to buses. They will get stuck at the stop sign waiting for cars to indicate their intention either to go straight or to turn. That is why the School Board does not like Option 6.

Kyle Fox, Town Engineer, Public Works Department, reviewed Steve Pernaw's comments and agrees with Meridian that a curve design is the best option because, combined with a 20-mile per hour speed limit, it slows traffic. The key point is that the quantity of traffic at the Middle School does not warrant "stop" or "yield" signs. This traffic does not approach the speed or volume of the other Merrimack schools, which are on collector roads. Michael Redding noted that there are no problems at the Reeds Ferry School, which is also at an intersection and has only a stop sign with neither a police officer nor a signal. Kyle Fox said there are two issues: a) The road design configuration should stand on its own, and b) Bus timing can be taken care of no matter which design is chosen. Road design and bus timing should not be intermixed. He did a bus timing trial this summer with and without a stop sign at the Madeline Bennett cul-de-sac. The maximum delay is five minutes. That can be handled by changing the timing of the light at the Madeline Bennett/Baboosic Lake Road intersection and/or the addition of another police officer. The road should not be designed based on a perceived problem.

Alastair Millns showed the timing at different locations on the road and where buses stop while figuring out what traffic is doing and where traffic would cross in front of a bus. A bus needs a clear distance of 210 feet from the junction when starting from a standstill, whereas State Driving Law only requires cars to signal their intentions 130 feet from the turn. He also suggested that less than 50% of cars would signal their intentions for the turn into the school, because of the junction configuration. In his opinion Kyle Fox's survey is irrelevant.

Kyle Fox replied that buses turn left at intersections with no stop signs all over Merrimack without accidents. The five-minute delay is caused by the light at Baboosic Lake Road.

Chairman Best countered that no intersections with this much traffic are without signals. Kyle Fox agreed the situation is unique, but repeated that the issue could be addressed after the road is built. Chairman Best noted that someone must pay for a signal and/or police officer.

Ken Clinton stated that there is more danger for a car heading to the school at high speed with a straight configuration on Madeline Bennett Road because a bus driver does not know it is making the turn. It would be worse at a "T". Alastair Millns rebutted that cars do signal at a "T".

Desirea Falt said every car turns its wheels on a curve, so a bus cannot tell which one is turning.

Lynn Christensen said that, if the subdivision were put in without a school, traffic from Baboosic Lake Road to Old Blood Road would continue to the subdivision with no stop sign or signal and the Planning Board would approve the road as is. Now a school is built and wants its driveway to intersect with Old Blood Road. The Planning Board would put a "stop" sign at Madeline Bennett and Old Blood Road where buses would stop and then continue. What happens on Baboosic Lake Road is irrelevant to the subdivision. The Planning Board is looking at a Town road from Baboosic Lake Road through Old Blood Road to Wilson Hill Road, which is not a school road. The school presumes it is their driveway, but it is not. It stops at the Old Blood Road intersection. Chairman Best countered that the school was there before the subdivision was. Madeline Bennett Road meets the school driveway. Most lights in Merrimack are on the driveways of private property. That is not a deciding factor. The deciding factor is what will work. Tim Thompson noted that other signalized intersections all met the warrant for signals.

Chairman Best noted that school buses and parents create a lot of traffic. Kyle Fox objected that there are not a lot of parent pickups; most students take the bus. Parental cars must defer to school buses. The buses come out only during a 15-minute period in the afternoon, when there is very low non-school related peak traffic.

Lynn Christensen suggested erecting a "no left turn between certain hours" sign coming onto Madeline Bennett Road, like the one at the High School.

Kyle Fox said traffic at the Chestnut Hill Subdivision is far from its peak during the afternoon bus time. Most buses will not have to stop because they can see where traffic is coming from. Great sight distance along with a 20-mile per hour speed limit will work. Chairman Best preferred that no traffic enter the Chestnut Hill Subdivision at bus peak times. Kyle Fox said he hates approving stop signs only on a road and not on a driveway because it will not prevent buses from speeding out. If buses must stop at the driveway, there will be no accidents.

Chairman Best noted that there must be a crosswalk across the school driveway no matter which configuration is built. Buses will have to stop there.

Desirea Falt suggested a curved road with a three-way intersection with a "stop" sign on each of the three roads. Alastair Millns and Lynn Christensen agreed. Tom Koenig objected that it is too much for a short time period twice a day for 180 days a year. Stop lights at Baboosic Lake and Madeline Bennett Roads cause the delay. There should not be a straight road into the school. The school should not have a driveway that is a public road. A sign at the end of the driveway is not necessary to make cars stop. Desirea Falt would agree except that the school is there already and has established traffic patterns. Chairman Best said that, when the school was built, it was known that Old Blood Road would be expanded someday.

Ken Clinton said the current design would work with a three-way stop. He suggested starting with a "stop" sign at the school exit and adding two more later if they are wanted.

There was no public comment.

Kyle Fox said it would take up to two years or more to build the subdivision. A maintenance bond could be used for upgrades, such as two more signs. Tim Thompson added that the School Board could raise issues with Town Council, Highway Safety and the Public Works Department. Ken Clinton said there would be a "20 miles per hour/school" sign and yellow warning flashing lights on Madeline Bennett and Old Blood Road.

The Board voted 6-1-0 to direct the applicant to design the Madeline Bennett/Old Blood intersection with the "sweeping" curve layout as submitted, with one stop at the exit from the Middle School driveway, on a motion made by Desirea Falt and seconded by Nelson Disco. Alastair Millns voted in the negative.

In response to a comment about the required 100' buffer from staff, Ken Clinton said there would be a slope easement rather than a 100' buffer at the backland to the west on the El Kareh property rather than subdividing the land. El Kareh is both the applicant and the owner of the adjacent piece. The easement's length is up to them. The open space would be held by all the subdivision owners. The easement would be part of the Merrimack Conservation Commission (MCC) easement rather than standard open space. It takes less money and time to create an easement than a lot line adjustment. The easement would allow extending the road through the 100' buffer, which is not really needed. The cul-de-sac at the edge of the property would remain.

Ken Clinton is not yet ready to discuss phasing.

Chairman Best said the cross country line was eliminated at the request of the Wastewater Division. Ken Clinton explained he must have a cross country run for sewer depth and manholes, which are 10' down. Rather than make a road to the sewer location, Ken Clinton made a land swap, which swayed the Wastewater Division.

A sidewalk waiver may be requested for a grass strip between the edge of pavement and the road would be eliminated at the wetland crossing areas. There might not be a need for a sidewalk coming from the Old Blood Road hammerhead to the proposed four-way intersection.

A waiver may be sought for a 1:1 slope/road grade rather than a 3:1 slope and building a retaining wall, which PWD recommends. A 3:1 slope would substantially increase the wetland footprint.

Chairman Best preferred road grade and slope relief rather than not installing a sidewalk. Nelson Disco preferred to keep a sidewalk, but wanted to know how long it would be and how much impact it would have before deciding. Ken Clinton said that the Department of Environmental Services (NHDES) would have an opinion on the matter. The sidewalk area in question is 750' long. Each new lot would still have a sidewalk, as would the school intersection. The waiver may be sought to mitigate the wetland impact of off-site improvements. He wanted the Board's opinion before designing it. Alastair Millns had no problem eliminating grass strips, but he preferred having a sidewalk.

Staff recommends that the Board continue the application to March 17, 2015, in order to allow for the receipt of peer review comments and to allow time for the applicant to address comments from the peer review as well as the various Town departments, boards and commissions.

At the applicant's request, the Board voted 7-0-0 to continue this item to March 17, 2015, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.

The Board was in recess from 9:10 p.m. to 9:20 p.m.

5. Don Chagnon of Townsend Oil & Propane (applicant) and Frank Twardosky (owner) – Review for acceptance and consideration of Final Approval of an application for a waiver of full site plan review for the use of the existing 3,400 s.f. building as a retail/office/distribution facility located at 759 DW Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 7E, Lot 042-01.

Tim Thompson explained that the Planning Board tabled the application in December 2014 pending further plan revisions and annotations. Since then, the applicant has annotated the previous site plan by clarifying existing and proposed fencing, adding the location of a gate to the rear parking area, and adding notes on landscaping, de-icing procedures and proposed lighting. The office was relocated into the building. The change of use is the presence of fuel trucks on the premises. Two employees would drive to the site, park their personal vehicles and

Town of Merrimack, New Hampshire
Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing
603 424-3531
Fax 603 424-1408
www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: February 12, 2015

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

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners) –** Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. ***This item is continued from the December 16, 2014, January 6, 2015 and January 20, 2015 Planning Board meetings.***

Background: As the Board will recall, the applicant appeared many times before the Planning Board since 2009 to discuss this project in various forms, leading up to the submission of a formal cluster subdivision application in December 2014 (see previous 2014 memos and minutes in your packets).

The applicant is before you for their second public hearing (hearings were continued without formal discussion at the 12/16/14 and 1/6/15 meetings) on the formal application for the cluster subdivision. The focus of the previous meeting, and subsequent discussions/meetings by Town Staff, the applicant, and the School District/Board continues to be on the intersection design at the Madeline Bennett. While the Planning Board endorsed a "compromise design" of the curved intersection with modified traffic signals, the applicant, School District, and School Board have since re-evaluated their position on the intersection design, primarily due to liability concerns related to the traffic signal operations and responsibility for management of the traffic signals.

Revised plans were received from the applicant on February 3, 2015. The intersection at Madeline Bennett in this most recent submission contains the "sweeping curve" design previously presented (with some modifications) to and endorsed by the Highway Safety Committee in June 2014. The previous roundabout design (from the December 2014 submission) and the "compromise design" with the traffic signals were not included in the submission.

On February 4, 2015, School District Business Administrator Matt Shevenell sent an e-mail (attached in your packet) in response to comments from the Police Chief to Meridian regarding the "compromise design" related to the operation of the signals. Mr. Shevenell raised "serious concerns" regarding school personnel and the signal operation.

On February 11, 2015, School Board Chair Chris Ortega submitted a letter (dated February 6, 2015) to the Board (attached in your packet) summarizing the School Board's "prioritized list of options" for the intersection design (having determined not to support the sweeping curve design currently indicated on the most recently submitted plans).

Community Development Department Staff offers the following comments to the School Board's list of options:

- "Option I: Old Blood Road, emergency use only. Gated entry."

- *This option directly conflicts with the Planning Board's requirement (dating back to at least 2009) that in order for the Board to support a cluster design for this project that there must be secondary full access to Madeline Bennett (one access from Old Blood to Wilson Hill Road was determined not sufficient for the cluster and the number of homes proposed) and upgrade of the sewer line to service the project.*

- "Option II: "T" intersection, with a stop sign at Old Blood Road as per the Stephen Pernaw Traffic Study. (January 15, 2015)"

  - *Town Staff disagrees that the through movement at the intersection should be to the Middle School, and that the traffic volumes over the course of the entire year (not just the school year) dictate that the dominant traffic movement (through traffic into the project) should not be encumbered by a stop sign. This option also would potentially require an extension of Madeline Bennett to ensure that snow removal by the Town is possible, and such an extension of the road does not appear to be feasible.*

- "Option Ill: Expanded roundabout intersection as originally presented to and approved by the School Board. (October 20, 2014)"

  - *This design has been determined to be inappropriate for this type of intersection by all design professionals that have been involved in the review of the project (design engineer, Town Engineer, and Traffic Engineer), and is not warranted nor supported by Town Staff (including Fire and Police).*

- "Option IV: Sweeping curve intersection, with a Traffic Control Officer to direct flow of traffic at peak AM and PM hours as is currently in place for Merrimack High School and the Mastricola Complex at Town expense. (December 15, 2014)"

  - *This alternative is certainly feasible and would generally be appropriate (assuming the school driveway would have a stop sign), however, the Planning Board does not have the authority to determine the responsibility for the costs of the Traffic Control Officer (this is a discussion that would need to be between the School Board and Town Council).*

- "Option V: Sweeping curve, with a programmable signalized intersection operated by Police or preset and managed by the Department of Public Works having the ability to be adjusted due to bus arrivals and dismissals, school and non-school functions during weekends and/or non-school hours (e.g. dances, MYA games, etc.). (January 16, 2015)"

  - *This is essentially the "compromise position" endorsed by the Board in January; however, the determination of operations responsibility has not yet been determined or discussed by Police or Public Works with the School District.*

- "Option VI: Sweeping curve as per the initial proposal to the Planning Board with stop sign on school property. (March 4, 2014) The School Board does not approve this design."

  - *This has been the Town Staff's preferred alternative since summer 2014, and was endorsed by the Highway Safety Committee in June 2014. It appears to be the most straightforward and appropriate engineering solution (conceptually, further discussion and comment contained in Public Works' comment 6.s in the "Staff Comments"), and is the current design shown on the most recent plan submission by the applicant.*

It should be noted that at the applicant's request (and since no escrow funds have yet been provided by the applicant), the plans have not yet been reviewed by CLD. The applicant wished to have initial Staff comments and the initial public hearing take place prior to the plans being peer reviewed by CLD.

Completeness: *The Board accepted the application as complete at the 1/20/15 Meeting.*

Waivers: *While several waivers have been discussed (minimum road grade, approach grade at an intersection, maximum fill slope grade, pedestrian way / sidewalk through initial wetland crossing, etc.) at preliminary meetings in the past year, no written waiver requests have yet been received.* Staff recommends that action on any necessary waivers be taken up at a future hearing, after peer review and further Town Staff/Board/Committee comments have been received.

Recommendation:

The planning staff recommends that the Board continue the application to the March 17, 2015 meeting, in order to allow for the receipt of peer review comments and allow time for the applicant to address comments from the peer review as well as the various Town Departments, Boards, and Commissions. *(Staff understands that the applicant may look for continuance to March 3, but Staff believes that the 17th is more appropriate to allow for peer review and resolution of the intersection design issues)*

The second round of Staff comments are as follows:

1. Community Development Staff reserves the right to amend, add, or remove any of the following comments pending the CLD peer review of the project;
2. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor, Professional Engineer, Certified Soil Scientist, and Certified Wetland Scientist shall also sign and seal final plans and mylars;
3. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
4. The applicant shall address the forthcoming comments from the Town's peer review consultant, CLD, as applicable;
5. The applicant shall address any forthcoming comments of the Police Department as the design progresses, as applicable;
6. The applicant shall address the following comments from the Public Works Department, as applicable:
    a. It is PWD's understanding that Meridian requested to delay CLD peer review on the plans until after the Planning Board Meeting – Public Works reserves the right to amend, add, or remove any of the following comments pending the CLD peer review;
    b. A typical section of improvement should be added to the detail sheets for the Old Blood Road upgrade showing base materials (12" gravel, 6" crushed gravel, 3" pavement) and slope tie-ins (6:1 slopes or flatter should be used adjacent to existing houses/lawns to allow for mowing);
    c. Wetland crossings at stations 31+50, 81+00, and 216+00 call for 1:1 slopes. 3:1 slopes are required – retaining wall may be necessary;
    d. The horizontal curve at station 77+00 does not meet 30 mph criteria;

e. Add matchlines for all roads on each sheet to allow for easier navigation of the plans;

f. Stamped shop drawings for the box culvert must be submitted to Public Works for review and approval. Must meet NHDOT specifications;

g. The concrete box and wing surfaces exposed to the elements must be coated with NHDOT Item 524 silane/siloxane to a depth of 1' below finished grade prior to final backfilling – add note to details;

h. The geotechnical report for the stability of the box culvert to be submitted to Public Works for review and approval. PW may require peer review at Developer's expense;

i. The beam guardrail shall be steel post per NHDOT specifications, not wood post;

j. Length of need calculations shall be submitted to Public Works for the guardrail runs per the AASHTO roadside design guide;

k. Add polyliner detail to the details sheets;

l. Add a note that the location of utility features needs approval from Public Works;

m. On the rip rap slope detail, remove the or from the note on geotextile use. The geotextile will be required;

n. The sewer run should remain in the paved area – look at rerouting smh10 and smh11;

o. Add a sheet showing the proposed striping for Madeline Bennett as it transitions from the lane queues at the traffic signal to the bus stacking at the entrance to the Middle School;

p. Add a note that a QA soil testing escrow will be required for this project;

q. Monthly progress meetings will be required for this project given its size and scope;

r. Add a note that the sewer repair for Baboosic Lake Road must be completed and accepted by Public Works prior to issuance of any building permits;

s. Madeline Bennett/Chestnut Hill Intersection – Discussion comments below:

    i. Curve data for the horizontal curve should be shown on the plans;

    ii. The curve meets 20 mph criteria (but not 30 mph criteria) so W1-2 warning signs with 20 mph placards will be required on both sides of the curve in accordance with the MUTCD. See photos below:

W13-1
Advisory Speed plaque

Sign image from the Manual of Traffic Signs <http://www.trafficsign.us/>
This sign image copyright Richard C. Moeur. All rights reserved.

iii. The 20 mph curve serves to accomplish the original goal of the roundabout in that it is a traffic calming method. Roundabouts are designed for traffic flows of 15 – 20 mph;

iv. A stop sign should be placed at the end of the school driveway for maximum safety (Note that a stop sign is not warranted for the traffic volumes but adds a level of insurance; a yield sign could also be utilized should the school desire a less restrictive traffic control device;

v. The plans need to show the proposed locations of the flashing school zone beacons;

vi. Flashing school zone appurtenances need to be shown in the detail sheets;

vii. A T-intersection is not desirable for this application as the T would line up with the school driveway. Having a road straight line in to the school would allow traffic to enter the driveway at a higher rate of speed than the curved road;

viii. Public Works does not recommend stop signs (or stop beacons) on the road – as mentioned, the intersection does not warrant any stop signs;

7. The applicant shall address the following comments from the Wastewater Division, as applicable:

a. General Notes:

i. A Town of Merrimack Wastewater Permit Application must be completed and approved by Roger Descoteaux before final plan can be approved by the Merrimack Wastewater Department. This permit also generates the appropriate sewer connection fees due the town before building permits can be issued;

ii. Construction notes to include: All sewerage system construction shall meet Town of Merrimack Sanitary Sewer Engineering Standards-revised 2012(see attached) and all NHDES Standards revised October 2014;

iii. All sewer manholes must be designed on centerline of road;

iv. Sheet one note ten indicates sewer repair must be complete before certificates of occupancy are issued-it should read before building permits are issued.;

b. On Sheet P-6:

i. SMH-24 is 14.72'deep and should be called out as a 60" diameter manhole on the profile;

c. Sheet P-7:

i. SMH-16 is 14.71' deep and should be called out as a 60" diameter manhole on the profile;

ii. There is a conflict between the sewerage pipe running between SMH-15 & SMH-16. It appears to be running into the box culvert. Needs redesign;

d. Sheet P-8:

i. No pipe slope or length information given on profile between SMH-12 & SMH-9;

ii. Left profile shows SMH-10 going to SMH-19;

iii. Right profile no pipe shown going into SMH-9;

iv. Information for SMH-8 covered by CB-805 information;

v. SMH-9 shows rim elevation of 29639-should read 296.39;

vi. Wastewater Division prefers cross country line be eliminated and line be kept in the roadway;

vii. Cross country line (not preferred route):

1. Easement shall be dedicated to town as a 40' public utilities easement;
2. Easement shall have 20' gravel road centered over sewer line from end to end;
3. Gates shall be installed on each end to prevent vehicular traffic;
4. Easement shall be in the green space-not a lot;

e. Sheet D-3:

i. Manhole Structures: Note 2.7 should read 12 inches not just 12;

ii. Standard Trench Section: Should indicate detectable marking tape;

8. The applicant shall address all forthcoming comments from the Fire Department, as applicable;

9. The applicant shall address any forthcoming comments from the Conservation Commission as applicable;

10. The applicant shall obtain the approval of the Fire Department for street names and verify the proposed lot numbering is approved with the Assessing Department, and street addressing for the proposed lots with the Fire Department (and revise the plans accordingly, as necessary);

11. Please add/revise the following notes to the plans:

a. Please add notes relative to the requirements of Section 3.08 of the Zoning Ordinance relative to Cluster Subdivisions:

i. Note explaining how density was calculated;

ii. Note the residential net density of the developed portion of the site;

iii. Open space requirement and actual amount of open space provided;

iv. Note how the open space is to be protected;

b. Please add a not describing proposed project phasing (and depict graphically on the plans as applicable);

c. Please revise note 18 on sheet 1 to indicate which sheets are to be recorded at the Hillsborough County Registry of Deeds (in addition to the current language noting which plans are on file with Community Development);

12. Lots 5B/9-18 and 5B/9-19 do not indicate the required 100' buffer as required by the Zoning Ordinance, but instead indicates a 100' "Buffer Easement" on adjacent lot 5B/4 (which is not owned by the applicant). The Board will need to consider if this approach is acceptable, and meets the intent of the cluster subdivision requirements of the Zoning Ordinance;

13. The applicant shall provide draft copies of any legal documents (easements and required Homeowners Association/Condominium Declaration from Section 3.08.18 of the Zoning Ordinance) for review, at the applicant's expense, by the Town's Legal Counsel;

14. The applicant will need to obtain several state permits (AOT, Wetlands, NHDES Sewer Connection) as part of this application. Permits must be obtained, noted on the plans, and copies provided to Community Development prior to final approval of the project.

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
John Manuele, Fire Marshall
Mark Doyle, Police Chief and Chair of Highway Safety Committee
Marge Chiafry & Matt Shevenell, School District
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

MERRIMACK SCHOOL DISTRICT
School Administrative Unit #26
36 McElwain Street
Merrimack, New Hampshire 03054
Tel. (603) 424-6200 • Fax (603) 424-6229

MARJORIE C. CHIAFERY
Superintendent of Schools
DR. MARK E. MCLAUGHLIN
Assistant Superintendent for Curriculum
MATTHEW D. SHEVENELL
Business Administrator
LINDA M. HASTINGS
Director of Human Resources

February 6, 2015

To: Robert Best, Chairman, Town of Merrimack Planning Board

From: Christopher S. Ortega, Chairman, Merrimack School Board (SAU 26)

Subject: Chestnut Hill Subdivision Intersection with Madeline Bennett Lane

Dear Chairman Best,

I am writing to you at the request of the Merrimack School Board. At our February 4, 2015 meeting the Board did NOT approve the currently proposed design for the Chestnut Hill Subdivision Intersection with Madeline Bennett Lane as proposed by the applicant Old Blood Properties, LLC and its engineer Ken Clinton, Meridian Land Services, enumerated below as Option V, the School Board and Administration citing numerous concerns.

The School Board recognizes that the applicant has been more than willing to entertain any acceptable design option at that intersection and that the applicant has been delayed, and continues to be, in attempting to gain consensus on an acceptable design and should not be further delayed.

The School Board recognizes that it does not have the authority to accept the applicant's final design and that that authority rests with the Planning Board. As such, in order to move the process forward, the School Board decided to be fully explicit and provide to the Planning Board a prioritized list of the School Board's preferences of the options considered to date. The School Board requests that the Planning Board take these into consideration when making its final acceptance of the applicant's plan.

The following is a Merrimack School Board prioritized list of options for the Planning Board's consideration relative to the intersection design.

Option I Old Blood Road, emergency use only. Gated entry.

Option II "T" intersection, with a stop sign at Old Blood Road as per the Stephen Pernaw Traffic Study. (January 15, 2015)

Option III Expanded roundabout intersection as originally presented to and approved by the School Board. (October 20, 2014)

Option IV Sweeping curve intersection, with a Traffic Control Officer to direct flow of traffic at peak AM and PM hours as is currently in place for Merrimack High School and the Mastricola Complex at Town expense. (December 15, 2014)

Option V Sweeping curve, with a programmable signalized intersection operated by Police or preset and managed by the Department of Public Works having the ability to be adjusted due to bus arrivals and dismissals, school and non-school functions during weekends and/or non-school hours (e.g. dances, MYA games, etc.). (January 16, 2015)

Option VI Sweeping curve as per the initial proposal to the Planning Board with stop sign on school property. (March 4, 2014) The School Board does not approve this design.

On behalf of the School Board, I thank you and the Planning Board in advance for your consideration of these concerns. If you need me to be at the Planning Board meeting when the options are considered, I am willing to do so. If you have any questions, please do not hesitate to contact me.

Best regards,

Christopher S. Ortega
Chairman
Merrimack School Board (SAU 26)

cc: Nancy Harrington, Chairman, Merrimack Town Council
Eileen Cabanel, Town Manager, Town of Merrimack
Timothy Thompson, Community Development Director, Town of Merrimack
Marjorie Chiafery, Superintendent, SAU 26

Timothy J. Thompson

From: Shevenell, Matthew (SAU) <Matthew.Shevenell@merrimack.k12.nh.us>
Sent: Wednesday, February 04, 2015 7:01 PM
To: Mark Doyle; Kenneth Clinton (KCClinton@meridianlandservices.com) (KCClinton@meridianlandservices.com)
Cc: Chiafery, Marjorie C (SAU); Kyle Fox; Timothy J. Thompson; Mike Currier; Ortega, Christopher (School Board)
Subject: RE: Madeline Bennett

I just want to go on the record that after some thought, I have some serious concerns regarding school personnel controlling any traffic device in the public right of way. I see some serious liability issues as we are not trained in the public safety arena. I would specifically like to know if the Town would hold us harmless in writing in the event that an incident occurred due to a mistake on our part, or an occurrence that just happens due to driver error while we are in control of such device.
Sincerely,
Matt

From: Mark Doyle [mailto:mdoyle@merrimacknh.gov]
Sent: Wednesday, February 04, 2015 3:05 PM
To: Kenneth Clinton (KCClinton@meridianlandservices.com) (KCClinton@meridianlandservices.com)
Cc: Shevenell, Matthew (SAU); Chiafery, Marjorie C (SAU); Kyle Fox; Timothy J. Thompson; Mike Currier
Subject: Madeline Bennett

Ken;

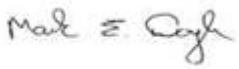
I wanted to follow up on our conversation regarding the "curved-signal" configuration we spoke about and discussed at length at our joint meeting on January 16th with Merrimack Fire, PWD and Comm. Dev reps as well as Matt Shevenell and Chairman Chris Ortega fro the School District. I believe there were some concerns relative to responsibility for signalization & programming those lights.

As long as those signals can be pre-programmed for the pickup and drop-off times that the school regularly schedules, much the same way that our school zones are programmed, this would accommodate and prioritize the flow of bus traffic into and out of the school during those time periods. The traffic on Madeleine Bennett Dr. would be regulated via the traffic signals, and, of course, periodically monitored for driver compliance by our department.

There would also be occasions where School Personnel or members of our department would be able to access the lights to manually bypass a programmed option to regulate traffic for after-hours events, or deviations from the regularly scheduled bus pickup and drop off times (delays / early dismissals, etc.). I understand that these options are available with this sytem.

I hope this helps, but please let me know if there's anything else you need from me or my department.

Chief mark E. Doyle



This e-mail and any files transmitted with it are ***CONFIDENTIAL, PRIVILEGED*** *and intended solely for the use of the individual or entity to whom they are addressed. This email is covered by the Electronic Communications Privacy Act, 18 USC 2510 et esq. This communication may contain material protected by law. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited and may be subject to criminal prosecution. If you have received this e-mail in error, please immediately notify me by using the "reply" feature or by telephone at 603-424-3774, then immediately delete this message and all attachments from your computer.*

Town of Merrimack, New Hampshire
Community Development Department 603 424-3531
6 Baboosic Lake Road Fax 603 424-1408
Town Hall - Lower level - East Wing www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD
APPROVED MINUTES
TUESDAY, JANUARY 20, 2015

Board members present: Robert Best, Alastair Millns, Tom Koenig (arrived 7:32 p.m.), Michael Redding, Lynn Christensen, Desirea Falt, and Alternate Nelson Disco.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Nelson Disco to sit for the vacant member position.

2. Planning & Zoning Administrator's Report

Staff recommends that the Board determine that JBD Realty and Boomer McCloud Site Plans do not meet the criteria for regional impact.

The Board voted 6-0-0 that JBD Realty and Boomer McCloud Site Plans are not of regional impact, on a motion made by Lynn Christensen and seconded by Nelson Disco.

Tim Thompson informed the Board that, at its January 28, 2015, meeting, the Zoning Board of Adjustment (ZBA) will hear a petition to use the former Shaw's Supermarket and CVS for commercial recreation through a Special Exception. Staff has determined that, with coordination with Chairman Best, administrative approval would be appropriate, should the ZBA grant the Special Exception. Parking more than exceeds the requirement and there will be no physical changes to the building.

Tom Koenig arrived at 7:32 p.m.

3. Old Blood Properties, LLC and Joseph K. and Mary El Kareh (co applicants/co-owners) – Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. ***This item is continued from the December 16, 2014, and January 6, 2015, Planning Board meetings.***

Tim Thompson said that representatives from the School, Fire, Police, Public Works (PWD) and Community Development Departments met with the applicant on January 16, 2015, to discuss the traffic report. Their consensus concerning the Madeline Bennett Lane intersection was that, although it is overdesigned, it accomplishes the goals of both sides. CLD has not yet reviewed the plans for the subdivision.

Ken Clinton, President, Meridian Land Services, Inc., said a roundabout at the Madeline Bennett intersection was the School Board's preferred design, but that plan did not meet with consensus at the December 15, 2014, meeting. It was agreed to hire Traffic Engineer Steve Pernaw to do an independent review of whether a roundabout is necessary and to comment on traffic. Steve Pernaw recommended a potential third alternative, a T intersection. He found that a roundabout is not necessary and that the curve has the proper alignment, but the School Board has an issue with school buses exiting the driveway in the afternoon.

It is now the consensus between the developer, school, and Town departments to keep the curve, but to add three signal posts with either a single red or yellow blinking light there for vehicles coming from Madeline Bennett Lane and from the subdivision. Buses would have the right-of-way on the blinking yellow. All traffic would stop at the driveway. The School could trigger the signals by remote control, turning them solid red and halting traffic until all the school buses exit the driveway. Then the lights would revert to the normal pattern. The developer will pay to install the lights. The School Board will hear the plan at its next meeting.

There will be a "school zone" sign on the subdivision road and on Madeline Bennett Lane behind where 16 school buses queue on the shoulder. A sidewalk comes down the subdivision road on the west side. There will be a separation between the crosswalk and the stop line. It is a low volume crossing that does not warrant more signs or a push signal. There will be sidewalks, although it is unlikely that children would walk from the subdivision. Tim Thompson and Ken Clinton opined that very few middle-school-age children would live in the subdivision.

Ken Clinton will apply for State Wetland, Alteration of Terrain and Sewer permits and complete the drainage design once the intersection is approved. The NH Department of Environmental Services (DES) requires a conservation easement as mitigation for the wetland impact. In a letter of December 1, 2014, the Merrimack Conservation Commission (MCC) accepted a request to hold and manage a conservation easement on 86 acres of open space to the south and 23 acres to the north, pending Town Council approval. The MCC prefers an easement to owning the land. DES is comfortable with MCC overseeing and enforcing the easement conditions.

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

The Board voted 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Desirea Falt.

Public comment

Scott Messina, 36 Old Blood Road, is concerned about privacy and about traffic, fearing that his backyard will become like a front yard when the road goes behind his house. He asked about a noise barrier, road treatment and road salt in his well. His house and propane tank are 70' from the road center line and his garage and well are 100' from the road, which will be close to the his driveway. Scott Messina is concerned about drainage and whether the vernal pool would still exist after a culvert is installed. Chairman Best

explained that a developer is not allowed to make runoff worse and that DES must protect a vernal pool.

Ken Clinton said he had spoken with Scott Messina within the last year. The right-of-way location was already set by the previous consultant because it is the best location due to the gradient and wetland impact. The stand-alone lot was to be removed from the 72 subdivision lots to accommodate the slope and drainage requirements. It was already in the plan when Scott Messina bought his home. The owner is willing to add a buffer of plantings. The road is curved. Catch basins outlet away from the Messina home onto the opposite side of the road. The culvert would be at the discontinued woods road. The gravel surface road bed currently acts as a dam. The applicant is required to maintain the integrity of the vernal pool. A spillway enters an oversized culvert. There is no real flow. It is mostly for "critters". DES requires a 4'x5' box buried in the ground so they can walk on a wetland-type surface.

Nelson Disco and Lynn Christensen worried that someone at the school might forget to phase the lights back from solid red to blinking yellow after the buses leave. They preferred setting an automatic default time. Ken Clinton will suggest it to the School Board. It could be a condition of approval. Robert Best doubted there would be much traffic coming from the subdivision at 2:30 p.m., he, too, did not want someone to forget to phase back the light.

Nelson Disco asked whether the Sewer Department agrees to the plan. Ken Clinton stated that it has no issues with volume if the developer does the sewer repair on Baboosic Lake Road.

Nelson Disco asked about the disposition of the four tracts of open space. Ken Clinton said that the MCC will hold a conservation easement on two of them and the homeowners association would own the other two, one of which buffers Merrymeeting Drive. There is no benefit to the MCC to hold an easement for them. No MCC conservation property abuts the proposed MCC easement property.

When Ken Clinton said the school could use the light at times other than when the buses leave in the afternoon, such as for major functions, Michael Redding was concerned that an untrained person would manage traffic and public safety. Nelson Disco said that is why he wanted an automatic over-ride. Ken Clinton replied that it is out of his hands. Robert Best opined the system would probably be automated. Lynn Christensen wanted it limited to bus times only. Tim Thompson added that the Police and Public Works Departments could also control the sequencing. Michael Redding did not want volunteers controlling non-bus times. Chairman Best said there would be built-in transition times for light changes. Tim Thompson said the plan has not yet been officially submitted. The Police and Fire Departments and PWD still have time to address concerns. Robert Best said the problem of someone forgetting to phase the lights back could be addressed by eliminating solid red. Ken Clinton noted that public traffic must have a solid red stop to let all buses go through. All departments will comment on the formal design. Because it is a Town road, the Town rather than the school has ultimate authority on how the intersection works. Alastair Millns noted that police currently stop traffic in all directions; this would be the same, only without police presence. He reminded Ken Clinton that, in June 2014, he recommended fitting

school buses with RFID devices to do the switching. That is one way to address Board concerns. He explained that 18 buses must leave without delay in order to meet schedules. Chairman Best said the plan is as over-designed as possible. Weather or an accident could affect the timing, but the Board can adjust the plan.

Tom Koenig opposed installing more lights and asked who would own and maintain them. Ken Clinton said the Town would. It has already been discussed, but there has been no decision as of yet. Tom Koenig asked why there is a flashing yellow "school zone" light there now. Ken Clinton explained that it is now a through road with public traffic and it is normal for school zones to have such a light. He explained the rationale for its location. It is better to have a larger than a narrower sign in a 20-mile per hour school zone. Chairman Best said it is either that or a timer. Ken Clinton said this is different from intersection lights. The shoulder on the right is paved for stacking buses. What used to be the middle lane will become the paved shoulder and a lane line will be painted.

The Board voted 7-0-0 to endorse the general concept of the Madeline Bennett intersection layout, with final details to be worked out as part of the final approval of the project, on a motion made by Alastair Millns and seconded by Lynn Christensen.

The applicant asks for a continuance until February 17, 2015.

Staff recommends that the Planning Board continue the application in order to allow for the receipt of peer review comments and to allow time for the applicant to address comments from the peer review as well as the various Town departments, boards, and commissions.

At the applicant's request, the Board voted 7-0-0 to continue this item to February 17, 2015, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.

4. Discussion/possible action regarding other items of concern

Chairman Best said he received an e-mail from Rep. Chris Christensen that a NH Legislative committee will hear a bill about requiring 100' wetland buffers. Rep. Christensen asked if the Planning Board has anything to offer the committee. Nelson Disco said larger buffers would affect many lots in Merrimack. Technical engineering and analysis are needed to justify requiring a 100' buffer. Tim Thompson reminded the Board that Merrimack requires a 40' building and 25' no-disturb buffer. This would be a State-set rather than a Town-set requirement. He opined that it could be onerous and would be more restrictive than any current local NH ordinances. It seems to be targeted at communities with no regulations. The NH Planners Association will likely have no position or oppose the bill because it takes local control away from communities and gives it to the State. Local control is the primary issue for Tim Thompson. Permits for dredge and fill and new development in a wetland would require a 100' buffer. There is potential impact for economic development and significant impact on tax revenue in an industrial zone. Chairman Best listed Merrimack developments that could no longer be built because there would not be enough upland left after imposing a 100' buffer. He stated that there was never an instance when he wanted a larger buffer. Michael Redding stated that 25' is the minimal standard, although some states require 50'. Headwater streams/key habitats must

Town of Merrimack, New Hampshire
Community Development Department 603 424-3531
6 Baboosic Lake Road Fax 603 424-1408
Town Hall - Lower level - East Wing www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: January 20, 2015

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

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Supplemental Memo – Chestnut Hill Subdivision**

Madeline Bennett Intersection Update:

As promised in my memo dated January 15, 2015, please find this memo as a supplement to that memo, summarizing the meeting held by Town Staff (Community Development, Public Works, Fire, and Police) and School representatives (Business Manager and School Board Chair) with the applicant on January 16, 2015 regarding the Madeline Bennett intersection at the Middle School.

The applicant hired a traffic consultant (Steve Pernaw) to review the previous designs presented at various stages of the project development ("sweeping curve" vs. roundabout), and provide a third party opinion of the options. His memo is attached for your reference.

Essentially, Mr. Pernaw did not find the roundabout to be necessary and recommended a three leg intersection (curved or a "T"). Both the Town and School representatives in the meeting agreed that while Mr. Pernaw's analysis was helpful, there were still disagreements about the proposed solutions contained in his analysis.

In discussing the options on the table for the design at the intersection, a compromise position appears to have been reached between the Town and School positions.

By a consensus of those present at the meeting, the Applicant has agreed to the following design at the intersection (more details will be presented at the hearing tonight): The intersection will propose the "sweeping curve" design, with a bus stacking lane spaced for sight distance, include 2 "School Zone" signs with flashing yellow lights as vehicles approach the Middle School driveway, and at the Middle School driveway three "2 stage" traffic signals would be placed at the three legs of the intersection.

These lights would be a red and a yellow, which can be programmed remotely. For the most part these lights will be flashing yellow along the travel way of the road and flashing red at the Middle School driveway. During bussing times at the school, the lights will be programmed such as to be red along the travel way, and flashing yellow at the Middle School Driveway. This configuration will allow for "free flow" of the busses as they leave the Middle School during dismissal times, and allow for "free flow" along the travel way of the road during all other times of the day.

Staff believes that while this is an overdesign of the intersection that does not meet signal warrants, it provides a reasonable compromise position to address the concerns of both sides, and will allow the design of the project to finally move forward in permitting.

We expect that the applicant will present this alternative tonight at the hearing, and will also present this to the School Board at their next meeting on February 2.

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
John Manuele, Fire Marshall
Mark Doyle, Police Chief and Chair of Highway Safety Committee
Marge Chiafery& Matt Shevenell, School District
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

Town of Merrimack, New Hampshire
Community Development Department 603 424-3531
6 Baboosic Lake Road Fax 603 424-1408
Town Hall - Lower level - East Wing www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: January 15, 2015

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

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners) –** Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231. *Continued from the December 20, 2014 meeting.*

Project Update: Please refer to my December 12 Memo (attached) for full background and recommendations.

As you recall, following a meeting with the School Board on December 15, 2014 (minutes excerpt attached), the applicant requested and received a continuance to the January 20 meeting. The purpose of the continuance was so that the applicant, at the direction of the School Board and Town Staff present at the 12/15/14 School Board meeting, could prepare a traffic analysis to help to resolve the differences of opinion on the layout of the intersection of Madeline Bennett and the relocated Old Blood Road.

Unfortunately, given the time needed for the Board's packets to be mailed out, I am unable to summarize the findings of the analysis at this time (Staff is scheduled to meet with all the vested parties late on January 16, after the packets are due at the post office for mailing).

I will prepare a supplementary memo prior to the scheduled public hearing on January 20, which will be sent out via e-mail, and hard copies will be made available for you at the meeting.

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
John Manuele, Fire Marshall
Mark Doyle, Police Chief and Chair of Highway Safety Committee
Marge Chiafry & Matt Shevenell, School District
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

Merrimack School Board Meeting
Merrimack Town Hall Meeting Room
December 15, 2014
PUBLIC MEETING MINUTES

PRESENT: Chairman Ortega, Vice Chairman Barnes, Board Members Powell, Guagliumi and Schneider, Superintendent Chiafery, Assistant Superintendent McLaughlin, Business Administrator Shevenell and Student Representative Crowley.

1. Call To Order

Chairman Ortega called the meeting to order at 7:30 p.m.
Chairman Ortega led the Pledge of Allegiance.

2. Approval of the December 1, 2014 minutes

Board Member Powell moved (seconded by Board Member Guagliumi) to approve the minutes of the December 1, 2014 minutes.

Board Member Powell requested the following changes to the minutes:

- Page one, section 6, add the names of the student officers.
- Page two, line 105 add the word "always" between the words "…is one ..."

Chairman Ortega requested the following changes to the minutes:

- Page two, line 80, the sentence should read "Chairman Ortega asked if there are any male students involved in SADD, as all of the students in attendance happened to be female.
- Page two, line 152, change the name "Mr. Watkin" to "Mr. Watkins".
- Page two, line 154, add "through harvesting" to the end of the sentence.

The motion to accept the minutes of the December 1, 2014 meeting as amended passed 5-0-0.

3. Public Participation

There was no public participation.

4. Recognition of Southern New Hampshire University Master's Degree Graduates who are District Educators

Assistant Superintendent McLaughlin explained three years ago Mary Heath who, at the time, was Dean of the School of Southern New Hampshire University approached Superintendent Chiafery about building a genuine multifaceted K-12 higher education partnership that would benefit both the University and the District.

Assistant Superintendent McLaughlin introduced State Representative Mary Heath, Assistant Professor Audrey Rogers of Southern New Hampshire University and Merrimack Educators Jill Silano, Deb Belanger, Anne Graves, Adam French, and Crystalyn Shea.

Deb Belanger reported that educators earned an average of 30 credits each through this program.

Jill Silano highlighted the many opportunities for the educators in the cohort to collaborate across all grade levels.

<SNIPPED>

Board Member Schneider suggested adding customization to the next Master's Degree cohort. He felt it would be beneficial to have a couple of specializations, such as technology and/or curriculum development based, in addition to the core courses.

Audrey Rogers emphasized that district goals were incorporated into each course syllabi. Customization is a key component of the cohort.

Board Member Guagliumi stated that learning as an adult is beneficial and noted the benefit of networking within a cohort.

Chairman Ortega congratulated the graduates and thanked Audrey Rogers and the instructors who delivered the courses.

5. Reconsideration of Merrimack Middle School Intersection

Chair Ortega introduced Ken Clinton, the engineer for Chestnut Hill Developers, Fire Chief Mike Currier, Fire Marshall John Manuele, Police Chief Mark Doyle, Kyle Fox from the Department of Public Works, and Business Administrator Matt Shevenell.

Chair Ortega reported that a design for a proposed intersection on Madeline Bennett Lane was presented and approved by the School Board. The proposed intersection is scheduled to go before the Planning Board on December 16, 2014. The Board learned last week that Police Chief Doyle, Fire Chief Currier and the Department of Public Works had concerns with the design of the proposed intersection as a round-a-bout.

Chair Ortega stated that it was his intent to have all concerns presented to the School Board. His hope is that all parties could agree on a design that would meet all requirements for the intersection on Madeline Bennett Lane.

Fire Chief Currier explained how the reorganization of a few departments improved the communication and application process for developers wanting to build in Merrimack.

Kyle Fox from the Public Works Department explained the Chestnut Hill Developer presented nine different concepts for an intersection on Madeline Bennett Lane. A curved intersection was presented to the Highway Safety Committee. The Highway Safety Committee endorsed the curved intersection and involvement of the Merrimack School District, the bus company and the Department of Public Works to evaluate if the intersection would cause potential delays to the school buses as well as build delays. He noted that a report was submitted which contains the best information possible given the intersection does not currently exist.

Mr. Fox stated the only intersection known to the Public works Department, until last week, was the curved intersection that was presented to the Highway Safety Committee in June 2014.

Mr. Fox stated that after reviewing the plans for a round-a-bout the Department of Public Works determined that it would not be the best solution for the intersection. The Department of Public Works determined that the intersection meets the requirements for a stop sign.

Captain John Manuele identified two areas of concern with the round-a-bout. The first concern was that it would be difficult for the ladder fire trucks to maneuver. The second concern was the safety of pedestrians crossing the round-a-bout.

Police Chief Doyle expressed his concern that a round-a-bout would allow traffic to continue to flow in a school zone rather than slow down or stop. He also expressed his concern over the possibility of traffic congestion at the round-a-bout during an emergency vehicle response. Other concerns of Chief Doyle's was relative to ingress and egress, large evening events at the school at night and driver behavior during low traffic times.

Fire Chief Manuele expressed his concern over the possibility that cars would travel around the round-a-bout at the same time the school buses are traveling through the round-a-bout in route to the middle school. He is not supportive of a round-a-bout on Madeline Bennett Lane.

Chair Ortega spoke to the high traffic volume times. He reported a stop sign would add about five minutes to each bus route.

Chair Ortega asked for suggestions on the best solution to keep bus traffic moving safely during peak traffic times at the middle school.

Mr. Fox stated that a yield sign could replace a stop sign if there was a proper sight line to the right.

Business Administrator Shevenell stated that he was concerned that the size of the round-a-bout would be too small. He stated that he did not like the placement of a stop sign that would stop each bus. He suggested additional research by a certified traffic engineer.

Business Administrator Shevenell reported that the bus company prefers a round-a-bout concept rather than a stop sign.

Vice Chair Barnes expressed her opinion that the discussion about the intersection should have continued when it was realized that the multiple representatives from the school district voted against the intersection during the Highway Safety Committee meeting.

Chief Doyle and Chief Currier both reported the vote was presented in a way that the members of the Highway Safety Committee were voting on the endorsement of a safe intersection design.

Board Member Powell asked why the need for an open through road on Madeline Bennett Lane rather than a gated access road.

The response was that the Planning Board required it years ago for the safety of the development.

Fire Chief Currier expressed his support for a traffic study.

Board Member Schneider suggested a traffic light, with intelligence during peak times, rather than a stop sign or round-a-bout.

Board Member Guagliumi acknowledged the desire by everyone to make the correct decision. She questioned the cost benefit of having a gated throughway intersection for the safety concerns for the citizens and children.

Chair Ortega asked Mr. Clinton how he would proceed before the Planning Board following this evening's meeting.

Mr. Clinton represents the design consultant for the developer. He supports the curve design for the intersection. He felt from a design standpoint a round-a-bout cannot be justified. He felt the safety difference between a round-a-bout and the curve design is very small. He does not feel there is a need for a traffic study.

Mr. Clinton stated that without any direction from this meeting, he anticipates asking the Planning Board what they should do.

Vice Chair Barnes asked why the stop sign was not placed at Old Blood Road rather than Madeline Bennett Lane.

Chief Doyle expressed his supported for a traffic study.

Chair Ortega summarized that a traffic study would be the responsible way to go.

Attorney Greg Michael came to the table. He stated that there was effort to communicate with the School Board about the intersection. He referenced the eight concepts for an intersection submitted by Mr. Clinton. He noted that the Planning Board instructed the developer to develop a concept for the intersection. He asked for a consensus from the School Board and representatives from the various groups so that the developer can proceed soon. To that end, Attorney Greg Michael committed to having a traffic study done in the next two weeks.

The representatives will meet and present a summary at the January 5, 2015 School Board meeting.

6. Formal Hearing on Food Service Budget for 2015-2016

Food Service Director Dziki presented the proposed 2015-2016 budget for food service. He highlighted the need to replace one steam table at James Mastricola Upper Elementary School.

Director Dziki provided answers to the Board's prepared questions about the food service budget.

Chairman Ortega highlighted the cost increase due to the selection of whole grain food, fresh fruits, and vegetables. He noted that the costs have been trending down. He asked if the downward trend was related to the purchasing collaborative, declining enrollments, offerings, pricing or something else.

Director Dziki reported a savings of approximately $50,000 as a result of the collaborative purchasing group. The downward trend in participation is due partly because of the decrease in enrollment and the fact that fewer snacks are being offered as a result of new regulations.

Vice Chair Barnes asked how much of an increase was a result of the new regulations compared to previous standards and can the District opt out of the Federal program. If the District were to opt out, what are the consequences and benefits from a nutritional and monetary perspective?

Town of Merrimack, New Hampshire
Community Development Department 603 424-3531
6 Baboosic Lake Road Fax 603 424-1408
Town Hall - Lower level - East Wing www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: December 12, 2014

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

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners) –** Review for acceptance and consideration of Final Approval of an application for a cluster subdivision proposing 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231.

Background: As the Board will recall, the applicant appeared many times before the Planning Board since 2009 to discuss this project in various forms, leading up to the submission of a formal cluster subdivision application (see previous 2014 memos and minutes in your packets).

The design of the subdivision itself has not been significantly changed since the last pre-submission hearing with the applicant. The majority of the discussions that have taken place between the applicant, Town, and School District have been regarding the design of the new intersection at Madeline Bennett. In June, the Highway Safety Committee endorsed (by a 5-4 vote) a "sweeping curve" design, with the Middle School Driveway intersection at the curve (as was previously seen by the Board at the last pre-submission hearing). Since then, the applicant has had discussions with the School District Staff, their consultant (Keach Nordstrom), and the School Board. In October the School Board voted to "endorse" the roundabout design of the intersection indicated on the plans before you for the public hearing. Town Staff *has not been involved in those discussions, and had not seen the new intersection design* until the formal application was submitted on November 25, 2014. Town Staff (Public Works, Fire, and Community Development) do not agree that the roundabout design at the intersection is the appropriate solution. At this time, we continue to endorse the design that was recommended by the Highway Safety Committee.

As I stated in my May 29, 2014 Memo (attached):

> *While the School District plays a key role in the design of the intersection, it must be noted that their role is advisory. Ultimately, the intersection and roadway design within the Town owned property and roadway rights of way are the jurisdiction of the Town, through the Planning Board (for the design and approval) and Town Council (for acceptance of the improvements following completion). The Board should certainly utilize the input and comments of the School District in your decision making, however the approval authority for the roadway and intersection design lies with the Town (Planning Board and Town Council) and not the School District.*

Community Development Department Staff is confident that the above statement is accurate, based on the language of the existing conservation easement on the Middle School property, which contemplated the relocation of Old Blood Road, and provides guidance on how the process should work. It appears that the School District may have a different interpretation of the authority for design changes based on the easement. As such, and at the request of the Town Manager, Town Legal Counsel

is currently reviewing the conservation easement to provide a legal opinion for the Board regarding the accuracy of my statement above.

In light of the fact that Town Staff was not involved in the discussions leading to the School Board's "endorsement" of the intersection design, the School Board will be discussing this at their 12/15 meeting (the night before the scheduled Planning Board meeting to discuss the project), at which time Public Works and Fire Department Staff will be in attendance to discuss their position on the intersection. Depending upon the result of that meeting, there is a chance the applicant may wish to postpone the 12/16 Planning Board public hearing on the project. Staff will inform the Board of any potential postponement as soon as a decision is made by the applicant.

Should the project move forward on 12/16, staff offers the following for your use at the hearing.

It should be noted that at the applicant's request, the plans have not yet been reviewed by CLD. The applicant wished to have initial Staff comments and the initial public hearing take place prior to the plans being peer reviewed by CLD.

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

Waivers: *While several waivers have been discussed (minimum road grade, approach grade at an intersection, maximum fill slope grade, pedestrian way / sidewalk through initial wetland crossing, etc.) at preliminary meetings in the past year, no written waiver requests were received with the application.* Staff recommends that action on any necessary waivers be taken up at a future hearing, after peer review and further Town Staff/Board/Committee comments have been received.

Recommendation:

The planning staff recommends that the Board continue the application to the February 3, 2015 meeting (or later as deemed necessary), in order to allow for the receipt of peer review comments and allow time for the applicant to address comments from the peer review as well as the various Town Departments, Boards, and Commissions. Initial Staff comments are as follows:

1. Community Development Staff reserves the right to amend, add, or remove any of the following comments pending the CLD peer review of the project;
2. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor, Professional Engineer, Certified Soil Scientist, and Certified Wetland Scientist shall also sign and seal final plans and mylars;
3. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
4. The applicant shall address the forthcoming comments from the Town's peer review consultant, CLD, as applicable;
5. The applicant shall address the comments of the Police Department (attached) as applicable;
6. The applicant shall address the following comments from the Public Works Department, as applicable:

a. It is PWD's understand that Meridian requested to delay CLD peer review on the plans until after the Planning Board Meeting – Public Works reserves the right to amend, add, or remove any of the following comments pending the CLD peer review;

b. A typical section of improvement should be added to the detail sheets for the Old Blood upgrade showing base materials and slope tie-ins (maximum of 6:1 slopes should be used adjacent to existing houses/lawns);

c. Station 30+50 to 34+00 shows 1:1 rip rap slopes where 3:1 slopes are required. Due to the cost of the box culvert, a 2:1 rip rap slope would be supported by Public Works. Nothing steeper than a 2:1 slope will be considered;

d. Add a note to wetland crossing areas that unsuitable material/muck must be removed to a depth where non-organic material is found. PWD staff must approve the excavation prior to fill material being placed;

e. On the plan view the note for culvert c-6 indicates buried 2'; on the profile it indicates buried 1'. Which is correct?

f. Stamped shop drawings for the box culvert must be submitted to PWD for review and approval. Must meet NHDOT specifications;

g. The concrete box and wing surfaces exposed to the elements must be coated with NHDOT Item 524 silane/siloxane to a depth of 1' below finished grade prior to final backfilling – add note to details;

h. The geotechnical report for the stability of the box culvert to be submitted to Public Works for review and approval. PWD may require peer review at Developer's expense;

i. The beam guardrail shall be steel post per NHDOT specifications, not wood post;

j. Length of need calculations shall be submitted to PWD for the guardrail runs per the AASHTO roadside design guide;

k. Details for the guardrail end sections need to be added;

l. Please add matchlines for all roads on each sheet to allow for easier navigation of the plans;

m. The drainage pipe from CB113 to CB111 should be moved to run from CB112 to CB110;

n. Structure 403 is labeled as a DMH on sheet P-6 but as a CB on sheets P-5 and P10. If it is a CB, it should be moved to curbline;

o. On the drainage detail the sump should be labeled as 3' minimum;

p. On the drainage detail the "General Notes" text is written on top of note 2;

q. Add polyliner detail to the details sheets;

r. Add a note that the location of utility features needs approval from Public Works;

s. On the rip rap slope detail, remove the or from the note on geotextile use. The geotextile will be required;

t. A dimension 't' is shown on the rip rap detail. What is the value of 't'?

u. The sewer run should remain in the paved area – look at rerouting smh10 and smh11;

v. For the wetland crossing at station 214+60, a 1:1 slope is specified. See comment "c";

w. The Madeline Bennett/Chestnut Hill intersection shows a roundabout concept. Public Works does not support a roundabout at this location. The curved alignment that was

previously seen by the Planning Board and endorsed by the Highway Safety Committee is the concept the Public Works will support;

x. Add a sheet showing the proposed striping for Madeline Bennett as it transitions from the lane queues at the traffic signal to the bus stacking at the entrance to the Middle School;

y. Add a note that a QA soil testing escrow will be required for this project;

z. Add a note that driveway locations to be approved by Public Works;

aa. Add a detail showing the dimensions of the proposed hammerhead turnaround for the phased construction;

bb. Monthly progress meetings will be required for this project given its size and scope;

cc. Add a note that the sewer repair for Baboosic Lake Road must be completed and accepted by Public Works prior to issuance of any certificates of occupancy;

7. The applicant shall address the forthcoming comments of the Fire Department, as applicable;

8. The applicant shall address any forthcoming comments from the Conservation Commission as applicable;

9. The applicant shall obtain the approval of the Fire Department for street names and verify the proposed lot numbering is approved with the Assessing Department, and street addressing for the proposed lots with the Fire Department (and revise the plans accordingly, as necessary);

10. While the ultimate decision regarding the intersection at Madeline Bennett remains to be determined, should the final design contain a roundabout design, the currently proposed design does not meet NHDOT standards for roundabout design and should be revised as necessary to be properly designed in accordance with NHDOT standards. As of the writing of this memo, the School District supports the roundabout design and Town Staff does not (the warrants for such a design are not met, and the long-terms maintenance costs for what ultimately will be a Town maintained roadway/intersection are much more for the roundabout design). Staff has also requested an opinion from the Town's Legal Counsel regarding the jurisdiction for the final approval authority of the re-located Old Blood Road under the terms of the existing conservation easement;

11. Please add/revise the following notes to the plans:

a. Please revise note #14 on sheet 1 to read: "This project is subject to the requirements of the Town of Merrimack Stormwater Management Standards (Chapter 167 of the Town Code). A pre-construction meeting with the Community Development Department and Public Works Department shall take place at least 2 weeks prior to commencement of earth disturbance in accordance with Article IV of the Stormwater Management Standards.";

b. Please add notes relative to the requirements of Section 3.08 of the Zoning Ordinance relative to Cluster Subdivisions:

i. Note explaining how density was calculated;

ii. Note the residential net density of the developed portion of the site;

iii. Note the parking requirement (2 off-street spaces per unit) and amount of parking proposed to be provided;

iv. Open space requirement and actual amount of open space provided;

v. Note how the open space is to be protected;

c. Please add a not describing proposed project phasing (and depict graphically on the plans as applicable);

d. Please revise note 18 on sheet 1 to indicate which sheets are to be recorded at the Hillsborough County Registry of Deeds (in addition to the current language noting which plans are on file with Community Development);

12. The applicant shall indicate snow storage areas on the plans as required by Section 4.06.1(q) of the Subdivision Regulations;

13. The applicant shall clarify the hatched areas on several sheets of the plans that appear to be existing easements, but do not indicate the type of easement in either text on the plans or on the legends;

14. Lots 5B/9-18 and 5B/9-19 do not indicate the required 100' buffer as required by the Zoning Ordinance. The lots as currently shown do not appear to meet the requirements of the Zoning Ordinance and should be revised as appropriate to demonstrate compliance or variances will need to be obtained from the ZBA for the buffer;

15. The applicant shall provide draft copies of any legal documents (easements and required Homeowners Association/Condominium Declaration from Section 3.08.18 of the Zoning Ordinance) for review, at the applicant's expense, by the Town's Legal Counsel;

16. The applicant will need to obtain several state permits (AOT, Wetlands, NHDES Sewer Connection) as part of this application. Permits must be obtained, noted on the plans, and copies provided to Community Development prior to final approval of the project;

17. The Board should discuss if a traffic impact analysis is needed for the review of the project, in light of the off-site improvements proposed for access to the development from both the north (at Madeline Bennett) and south (via Wilson Hill Road).

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
John Manuele, Fire Marshall
Mark Doyle, Police Chief and Chair of Highway Safety Committee
Marge Chiafry & Matt Shevenell, School District
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

MERRIMACK POLICE DEPARTMENT

31 Baboosic Lake Road • Merrimack, NH 03054
(603)424-3774 • Fax (603)424-1760
www.merrimackpd.org

Mark E. Doyle
Chief of Police

MEMO

DATE: **DECEMBER 10, 2014**

TO: **TIM THOMPSON, COMMUNITY DEVELOPMENT DIRECTOR**

FROM: **CHIEF MARK E. DOYLE**

RE: **CHESTNUT HILL ROTARY PROPOSAL**

Per your request, I have had the opportunity to review the latest design iteration of the intersection of the driveway to the Middle School and Madeline Bennett Drive. My concerns are twofold: the access to the school without a crosswalk for children/pedestrians; and accessibility to the school in the event of an accident inside the roundabout.

Currently, a sidewalk allows access to the Middle School along Madeline Bennet Dr. The proposed design doesn't allow for "crossing" within the roundabout, as there are no required "stops" for vehicles to adhere to for a predetermined cross walk (crosswalks would be important, as children walking from the new development would need to access the school safely).

The design for a roundabout usually comes after a traffic study which warrants the design to slow a relatively high volume of approaching and intersecting traffic. That volume occurs only during a very limited period of time during the school day. In the event that we have a major accident at the rotary, such an accident could choke the response to an on-scene emergency at the Middle School, as well as delay any emergency egress / evacuation from the school in the event of an emergency. Busses queued along Madeline Bennet would also be delayed in picking up and dropping off children, something I believe was a major concern for not only the school district, but also the bus company.

Please feel free to contact me if you should have any further questions.

Town of Merrimack, New Hampshire
Community Development Department 603 424-3531
6 Baboosic Lake Road Fax 603 424-1408
Town Hall - Lower level - East Wing www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD
MINUTES
SATURDAY, JANUARY 25, 2014 (SITE WALK)

Planning Board members present: Robert Best, Alastair Millns, and Alternate Nelson Disco.

Planning Board member absent: Tom Koenig, Michael Redding, Lynn Christensen, Desirea Falt, Stanley Bonislawski and Alternate Matthew Passalacqua.

Public Present: John Tenhave (Northview Homes), Ken Clinton (Meridian Land Services), Finlay Rothhaus (Chair, Merrimack Town Council), Tim Tenhave (Chair, Merrimack Conservation Commission), Tom Lehman (Member, Merrimack Conservation Commission), Tom Feller (27 Merrymeeting Drive), Barbara Feller (27 Merrymeeting Drive), Kathy Shore (21 Merrymeeting Drive), Scott Ladue (17 Merrymeeting Drive), Michael Dudash (25 Merrymeeting Drive), Gage Perry (15 Lisa Drive), Matt Carm (17 Hilton Drive), Barbara Chase (23 Merrymeeting Drive), Tom Febogo (37 Old Blood Road), Steve Febonio (Maverick Development Inc.), Jon Febonio (225 Suncook Valley Hwy., Epsom, NH)

There was not a quorum of Planning Board Members present.

1. **Old Blood Properties, LLC. (applicant and co-owner) and Joseph K. and Mary El Kareh (co-owners) – Site Walk regarding a proposal to consolidate and re-subdivide 10 lots into 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231.**

The site walk started from the circle on Madeline Bennett Way along the existing Class VI Old Blood Road. On reaching the approximate point where Lot 5B/96-15 and Lot 5B/89-2 meet, the walk struck out in a westerly direction to meet the point where the new road would start (marker 204-00).

The Applicants and their engineer used their drawings to show the walkers how the new part of the road would proceed in a northerly direction to where it would meet up with Old Blood Road and Madeline Bennett Way.

Town of Merrimack, New Hampshire

Community Development Department 603 424-3531
6 Baboosic Lake Road Fax 603 424-1408
Town Hall - Lower level - East Wing www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: February 28, 2014

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

From: Nancy Larson, Planning & Zoning Administrator

Subject: **Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners)** – Preliminary Layout Review Hearing to discuss a road design approach off Madeline Bennett Way for the Chestnut Hill Cluster Subdivision located at Old Blood Road in the R-1(Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009, & 231.

As the Board will recall, the applicant appeared before the Planning Board on December 3, 2013 for a Pre-Submission Hearing to discuss a proposal to consolidate and re-subdivide 10 lots into 72 cluster residential lots and 4 open space lots located on Old Blood Road in the R-1(Residential) District, as shown on the Zoning Map.

Background/History:
Since the applicant has been before both the Planning Board and Zoning Board over the past few years, the following is a brief chronological history:

August 27, 2009 – the Zoning Board granted a variance from Section 3.08(2) to permit a cluster Residential Development in the R-1 (Residential) District with the lot density based on the conventional subdivision requirements of 100,000 square foot lot size with 250 feet of frontage (Case # 2009-16).

August 25, 2011 – the Zoning Board granted a variance under Section 3.08(2) to amend the previously granted Variance (Case # 2009-16) to allow for an additional 6 cluster lots than would otherwise be permitted in a conventional subdivision, applying minimum R-1 zoning requirements, by a 4-1-0 vote (Case # 2011-26). This variance expired under Section 8.07—Variance – Special Exception Validity Period- which states, "If after a petition for a variance or special exception has been approved by the Board, such approval is not acted upon within a period of two (2) years from the date of approval, then such approval shall be null and void." Consequently, the applicant had to reapply to the Zoning Board again to seek a variance to permit a cluster subdivision in the R-1 (Residential) District as shown on the Zoning Map as well as for the additional density of 6 lots (see information below for the January 29, 2014 variance "renewal").

February 7, 2012 – the Planning Board voted 6-0-0 to set the yield number (total number of lots allowed in the cluster subdivision) for the proposed cluster residential development at 66 lots. Because the August 25, 2011 (and the renewed January 29, 2014) variance permitted an additional 6 lots beyond the number of lots that would be allowed based on the R-1 conventional subdivision requirements, the conceptual subdivision plan for the cluster proposing 72 building lots, complied with the variance granted. At the February 7, 2012 Planning Board hearing, it was made known that the

applicant would pay the cost to fix the sewer line on Madeline Bennett Way according to state standards, in return for being granted the six additional lots.

December 3, 2013 – Pre-Submission Hearing to discuss a proposal to consolidate and re-subdivide 10 lots into 72 cluster residential lots and 4 open space lots located on Old Blood Road in the R-1(Residential) District, as shown on the Zoning Map. The conceptual plan was prepared by a different design firm than other plans previously prepared for the Planning Board's review and comment (see attached minutes and staff memo in your packet). Issues discussed were access/roadway alignment, particularly for Old Blood Road and how it would connect to Madeline Bennett Way, drainage, lot layout and proximity of proposed open space to existing open space and proposed cluster lots.

January 25, 2014 – members of the Planning Board, along with the Chairman of the Town Council, Chairman of the Conservation Commission, and members of the public conducted a site walk of the parcels with Northview Homes and Meridian Land Services.

January 29, 2014 – the Zoning Board granted two variances under Section 3.08(2) of the Zoning Ordinance, essentially renewing the variances granted on August 27, 2009 and August 25, 2011 (Case # 2014-02) (see attached minutes and staff memo in your packet.). During that hearing, drainage, the sewer line along Madeline Bennett Way, and road alignments, particularly for Old Blood Road, were discussed. An e-mail from Attorney John Weaver, McLane, Graf, Raulerson & Middleton P.A. was read into the record on behalf of abutter Thomas Feller, 27 Merrymeeting Drive (see attached e-mail from Attorney Weaver to Donna Pohli).

The January 29, 2014 variances were granted with the following conditions:

- That the email read into record from Attorney Weaver on behalf of Mr. Feller dated January 28, 2014, be given to the Planning Board upon their discussion of the subject project;
- That the maximum number of lots does not exceed by six lots that number that would be allowed based upon the R-1 District conventional subdivision requirements (Determined by the Planning Board on February 7, 2012 to be 66 lots based on a yield plan of lots with a minimum of 100,000 sq. ft. lot size/250 ft. of frontage);
- The applicant shall be required to connect to (and correct current design deficiencies of) the sewer line at the Middle School, as deemed appropriate by the Planning Board.

<u>Current Preliminary Proposal</u>

The applicant has worked to develop the proposed re-alignment and upgrades to a portion of Old Blood Road and now wishes to hold a preliminary discussion on the design with the Board. The applicant has informally met with the Wastewater Treatment Facility relative to the existing Baboosic Lake Road sewer main issues and repair considerations. Wastewater has no comments on the preliminary road design plans. The applicant also informally met with the Public Works Department. Deputy Public Works Director/Town Engineer Kyle Fox offers the following comments in an e-mail dated February 13, 2014:

- The fill slopes from Sta. 53+0 to 58+0 look to be 2:1 - 3:1 - per subd. reg 4.18b slopes in a fill shall be 4:1 (same comment for other fill areas as well). Slope easements may be required.
- The intersection of the cluster subdivision and Old Blood Road should be as close to 90 degrees as possible (Station 51+0) - Either have the cluster come in at 90 to Old Blood or make the Old

Blood 3 lot extension come into Old Blood/Chestnut Cluster at a 90. Having wider pavement to create a "Y" intersection is not supported.

- The sag curve at Sta. 103+0 has a K value of 37.89 - minimum for residential street is 40.
- The crest curve at Sta. 207+0 has a K value of 20.00 - minimum for residential street is 30.
- The sag curve at Sta. 252+50 has a K value of 30.00 - minimum for residential street is 40.

Kyle concludes his review comments with the following: "Overall, the road network looks like a good plan that Public Works will be able to maintain."

Vehicle/Pedestrian Traffic and Access:
The proposed subdivision would be accessed off of a proposed loop road and a short cul-de-sac (the cul-de-sac would provide frontage for 7 or 8 lots) adjoining the current Class V portion of Old Blood Road just north of the bend where Old Blood Road intersects with Class VI Old Grater Road and across from the previously approved 3-lot subdivision for Prince. Approximately 330 ft. of the existing Class VI portion of Old Blood Road (just south of the intersection with Madeline Bennett Way) will be upgraded to Class V status in order to provide a second means of access to and from the proposed subdivision via Madeline Bennett Way. This tie-in to Madeline Bennett Way was discussed at great length during previous Planning Board meetings (including meetings to review the Yield Plans) and it was the will of the Board to require the connection for public safety. Any reclassification of the Class VI portion of Old Blood Road will require a vote of the Town Council. Provision of adequate sight distance will need to be depicted on final plans for confirmation that the road design complies with said requirements. The Planning Board should review the proposed subdivision layout with respect to the suitability of the existing access way and the adequacy of the proposed streets. An internal sidewalk along one side of the proposed roadway network is depicted on the preliminary plans.

Phasing:
It appears from the preliminary plans that the project would be constructed in phases, however, it is unclear how many phases are contemplated. A "temporary construction phase hammerhead turn-around" is proposed on Lot 10 (see sheet P-4) and Lot 28 (see sheet P-3). The applicant should discuss the proposed phasing plan with the Public Works Department (PWD) to ensure PWD is "on board". Final plans will need to clearly show the phasing line(s) on all applicable sheets.

Drainage:
As the Board will recall, drainage has been a significant portion of the discussions. The preliminary plans contemplate several potential stormwater basins (see sheets P-1, P-2, P-4, P-5, P-6, P-7) to handle run-off and address drainage concerns raised by abutters.

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

Perhaps five rather than 15 automobile spaces for employees will be needed; many employees carpool. There will be no customer service.

Desirea Falt asked whether asphalt would be ground in the trucks and how vehicles would be cleaned. David Cossette said tools are cleaned on the job sites. Nothing leaks or harms the environment. His Hooksett yard is pervious.

Nelson Disco asked whether the stone yard will remain. David Cossette said it would. The fence will also remain. The fence will act as a border. There will be some sand and gravel on site for construction use, but there will be no asphalt or hazardous chemicals.

Nelson Disco wanted dimensions noted on the plan.

Chairman Best asked how the site would be buffered/screened from the road. David Cossette said everything would be off the road; nothing will be parked close to it. Equipment will be kept clean at all times but can be seen from the road. Chairman Best wanted trees and barriers. He suggested shrubbery in front because the area will be developed. David Cossette agreed to install shrubbery or a fence.

David Cossette said there would be a sign. Tim Thompson said there is a sign on the site now. A second sign could need a variance from the ZBA.

Chairman Best wanted a plan showing landscaping and lighting. David Cossette intends to install a camera and lights.

Chairman Best asked where runoff would go. Nelson Disco asked about an on-site septic system that is noted on the plan. David Cossette said there would be no office employee. The modular office trailer is only for meetings and to present a better image. There will be no septic system or running water. The parcel is split in two; the septic system supplies the stone house. His business does not use it.

Alastair Millns wanted more information before voting to accept the plan for review. Chairman Best said the Planning Board likes the concept, but the engineering must be designed correctly. The Board wants information about lights, where rainwater/runoff would go, screening from the road/buffer, setbacks, signs, dimensions, lighting, and distance of parking from the road. Desirea Falt and Nelson Disco agreed that the business is a good fit, but it must show how the land would be protected. Chairman Best said the Board wants a full site plan with details.

Tim Thompson noted that NH Department of Transportation (DOT) controls that section of D.W. Highway, so the driveway permit for access to Route 3 may have to be amended.

Nancy Larson noted that, if the frontage is more than 300', two signs may be installed without a ZBA variance.

The Board voted 7-0-0 to table this item indefinitely, on a motion made by Stanley Bonislawski and seconded by Alastair Millns.

7. **Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners)** – Preliminary Layout Review Hearing to discuss a road design approach off Madeline Bennett Way for the Chestnut Hill Cluster Subdivision located at Old Blood Road in the R-1(Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009, & 231.

Attorney Greg Michael, Bernstein Shur, reminded the Planning Board that it wanted a through road from Old Blood Road to Madeline Bennett Way for public safety. The road and lots have been pulled away where they abut the Meeting House subdivision.

Ken Clinton, Meridian Land Services, added that, on January 25, 2014, members of the Planning Board, Chairmen of the Town Council and MCC, and members of the public conducted a site walk of the parcels with Northview Homes and Meridian Land Services. The focus was access from Old Blood Road to the intersection with Madeline Bennett Way and where the access would deviate from its current location.

A hammerhead on Old Blood Road was approved years ago. The subdivision road will be in the same location as before, but the Public Works Department (PWD) does not want a "Y" intersection. It has not yet been decided where the stop condition will be. Old Blood Road transitions to the new subdivision road with a stop condition at the hammerhead/"T" with a stop sign. There will be no change to the south access.

The portion of Old Blood Road to Wilson Hill Road will be upgraded with a 24'-wide pavement and some shoulders though the existing right-of-way currently is 13½'-19' gravel surface.

There will be one long road leaving the new intersection to the south that will connect and bend at Old Grater Road and go east to Wilson Hill Road. The goal is a 24'-wide pavement. The applicant will widen the road, remove trees and grade, causing some wetland impacts. Four culverts will be removed. There will be no sidewalks on that section because they will not fit. It is not a through road, so a sidewalk waiver should not be necessary. Chairman Best said a sidewalk is required on the frontage of a developed parcel, but this section is not frontage. Nancy Larson asked whether the section that needed a retaining wall that was never constructed would be graded instead. Ken Clinton said the slope was previously cut back. He could still build a retaining wall, but he prefers to cut the slope back farther.

As to the Madeline Bennett Way intersection, the Middle School entrance starts at the hammerhead pavement, which is awkward because people come through the cul-de-sac. A "T" intersection would be the simplest for the subdivision, but not for the school entry. Parent drop-off is the issue; cars stack well past the cul-de-sac. It is proposed to create an island with a raised curve in the middle of the cul-de-sac. The school entry/drop-off lane would be one way along the edge of pavement to allow for more stacking. A controlled school entrance is more functional and safer. The stop condition would be before entering traffic.

Desirea Falt asked how to keep apart traffic going in different directions leaving the school on Madeline Bennett Way to Baboosic Lake Road. Ken Clinton said there would be an island, stop signs, lines and arrows painted on the ground, and one lane for parent drop-off only. Desirea Falt and Nelson Disco were concerned about traffic going left of the island head-on into incoming traffic. Robert Best, Stanley Bonislawski and Nelson Disco suggested a roundabout for the school and the subdivision. Ken Clinton said the volume of parent drop-off would stack up in a roundabout. A parent-only lane controls their movement rather than letting them join other traffic. He prefers this option for safety. He worked within the parameters of an existing town intersection. The road narrows from 36'-wide to 22'-wide. The dirt section would be widened. The parent lane would be 12' wide and two-way traffic would be 24' wide. Nancy Larson asked whether there would be

traffic in one lane in each direction at the choke point. Ken Clinton said he would discuss details with Deputy Public Works Department Director/Town Engineer Kyle Fox. Stanley Bonislawski asked how one would know that parents are doing what they should rather than whatever they want. Ken Clinton said a separate drop-off lane would help, although he cannot guarantee it would solve the problem. He cannot control parent use of the school bus lane. Chairman Best said the southwest corner intersection choke point is 15'-16' between the island and the edge of the road. He asked whether school buses fit through the narrow point where it meets oncoming traffic. Ken Clinton replied that they do; he will design it to make it work. This is a preliminary rather than a final plan.

Ken Clinton said that water runs down Madeline Bennett Way to a wetland, re-channels, and enters elsewhere, creating a technical DES wetland impact. There will be several storm water collection points. Madeline Bennett Way is on a town-owned parcel and was never accepted and has no formal right-of-way, so it is available for storm water treatment. It will be a traditional detention area: water will enter the existing storm controls. There will be an outlet to the existing pond. The excavated ditch will be corrected/alleviated. Closed drainage at the low point of the road will catch water west of Old Blood Road and send it to Madeline Bennett Way to be treated and rerouted to enter the basin. There will be sidewalks, a 24'-wide paved way and closed and open drainage leaving Old Blood Road into the property. There is no need for road design waivers. There will be underground utilities, sewer and Merrimack Village District (MVD) water.

Chairman Best asked about changes made in how the open spaces connect. Ken Clinton said he drew 80 lots of 30,000 square feet in order to see what the density would be. After installing drainage, the excess lots will be removed and wildlife corridors created. There will be 71 cluster lots. The wetland crossing will be between Lots 46 and 47, the open drainage area will be between Lots 54 and 55, and a drainage area/wildlife corridor will be between Lots 13 and 14. Open space has a high value for separation and as a buffer for the internal lots. Technically there is surplus open space beyond the 50% requirement.

Nancy Larson asked if the project would be phased. Ken Clinton said a 6,000'-long loop road is too much to construct at one time. There will be a temporary hammerhead/turnaround at the steeper section of the road. There will be three phases of road construction for adequate and safe turnaround, but there will be no lot phasing.

Chairman Best suggested that Ken Clinton discuss the plan with the Middle School and asked how this plan differs from previous ones. Ken Clinton listed the connection points, upgraded Old Blood Road, sewer repair on Baboosic Lake Road, and all driveways compliant. The plan will comply with DES recharge and storm water guidelines and Merrimack storm water regulations. Nancy Larson wanted that noted on the plan.

Nelson Disco asked whether there would still be open space in the northwest adjacent to the existing Merrimack conservation parcel to make a large contiguous tract with Grater Woods. Ken Clinton said this is similar to the previous plan. It has internal open space recommended by the Planning Board. There will be four open space lots. The majority of open space is 80 acres at the south. On the west and north, 22 acres abut school conservation land and Grater Woods. The open space consists of 127 acres out of over 200 acres. Nelson Disco wanted to maximize the size of the overall Merrimack conservation land. Ken Clinton said he started anew after the previous consultant's plan.

This is the best configuration: it does not spread out the development to the south, it utilizes the natural terrain and has less impact. Nancy Larson said the wetland is the primary constraint against moving the layout to the south. Ken Clinton said that linking the uplands between the wetlands would make a greater footprint. Nelson Disco said large cuts and fill to make the roads, steep banks with sidewalks and a 10' drop-off might require installation of pedestrian guardrails according to ASHTO rules.

Nelson Disco noted that a cul-de-sac tangent to the property line would not leave enough width on the edge for a road. Lot owners do not want to share their property with the Town. It should be fixed. Chairman Best opined enough width could be created. Nancy Larson suggested noting it on the plan that the cul-de-sac is a temporary turnaround and will be deeded to the adjacent property owners when the road goes through so that the Town will not own or maintain it.

Public comment

Margaret Pickett, 29 Merrymeeting Drive, is concerned that using Madeline Bennett Way is not a viable alternative. A separate entrance is not needed. She asked why the entire development could not be accessed from Old Blood Road and how parents leaving the subdivision would get to the school drop-off lane. Cars park on both sides of the road and leave on the center lane when there are school functions. Removing part of the center lane and replacing it with an island means the road will not be wide enough. She asked about water flowing onto her property. Ken Clinton said there are drainage easements to the meadow. Regulations do not allow increased flow or rate of flow off the property.

Barbara Chase, 23 Merrymeeting Drive, lives next to the drainage easement. The meadow is conservation land, but it is under 6' of water. The easements do not work very well. Drainage comes up through her basement floors; the yard at 17 Merrymeeting Drive is under water. Madeline Bennett Way was never constructed for this purpose. Barbara Chase's concern is the proximity of the road to houses, creating traffic, noise and lights. She prefers another location to the west and south. The wooded area is disturbed, the Class VI road bank is eroded and trees have fallen. No one is taking responsibility for the tree trunks that fell into her yard. She is afraid trees will fall on her house as a result of highway equipment vibration. The site walk was helpful. Ken Clinton said the current Old Blood Road would not be utilized for this subdivision. Fallen trees are not the result of development. The Town is not responsible. Erosion is because the steep bank was excavated years ago. The road will be moved away from it to the west. This is a much better design and creates an additional buffer from Merrymeeting Drive. It is a reasonable accommodation to shift the road. Drainage improvements will help the issues. Water in the basement is likely not to be the result of surface runoff. It will be intercepted and redirected around the Merrymeeting subdivision and will help the roadbed rather than create problems. Chairman Best noted that water would be directed to Madeline Bennett Way. Ken Clinton said that would be true in sections of the road. He will infiltrate as much as possible and go to the right-of-way next to Madeline Bennett Way. It does not flow to Merrymeeting Drive.

Tom Feller, 27 Merrymeeting Drive, asked how cars would get into the parent drop-off lane. He opined they would go left at the intersection instead. He suggested moving the road past the school for people coming from the new subdivision. The square footage

and price of the sites are not comparable to Merrymeeting properties. He asked whether cluster housing is for low-income residents. He wants a baseline to measure quantity, speed, and contaminants in water coming onto his property. Sidewalks add impervious material, so it will no longer be a rural area. Ken Clinton said moving the road west past the school is not feasible because of the terrain/25% slope. He committed to Tom Feller and his attorney that he will share drainage information as it becomes available. He does not comment on contaminants when doing a drainage analysis. The Planning Board requires sidewalks. Chairman Best said that relocating the road would encounter legal obstacles because there is no right-of-way to cross conservation land. Water could not be intercepted, causing more of an impact on the homes. Ken Clinton said there is no benefit to moving the road up the slope.

Kathy Stuart, 21 Merrymeeting Drive, agreed with what her neighbors said. Adding more than 70 homes would add more traffic to an already congested area. Water issues became worse when the Middle School was built. She asked how changes can be measured and about the neighborhood's septic systems and home values. Chairman Best said there was no peer review or Planning Board review of the school property because a government use does not require Planning Board approval.

In answer to Margaret Pickett's question about why Old Blood Road and Madeline Bennett Way are being connected, Chairman Best said it is to help neighbors, the subdivision, Old Blood Road, and Wilson Hill Road; to relieve pressure; and allow Fire Department access. The Planning Board asked the applicant to connect Madeline Bennett Way with a two-way access. It is a much better solution than pushing traffic further on a narrow road.

Chairman Best said the proposed layout is confusing and prefers a simple layout/"T" crossing. He wanted to see what other options Meridian Land Services rejected. He does not understand where a vehicle would go at the intersection and how parents coming from the subdivision would access the parent drop-off lane. Ken Clinton said he considered that there would be children in the subdivision and that parents would drive to school. He tried to solve an inherited problem and make it as safe as possible. He will discuss the matter with Kyle Fox. Chairman Best suggested making a straight bypass to the school with no island rather than a drop-off lane along the side of the road at the cul-de-sac. It would be simpler and would keep traffic off Old Blood Road. He suggested collaborating with the school system, even though it is not their decision.

Desirea Falt explained that cluster housing is not for low-income residents. The Master Plan seeks to preserve open space and lower infrastructure cost and maintenance. Open space belongs to the entire development, which is connected to it, rather than each home having its own open space.

Nelson Disco asked about the ultimate outfall of water crossing through Madeline Bennett Way and going north. Ken Clinton said it would cross Baboosic Lake Road. He will bring details to a future meeting.

Chairman Best complimented Ken Clinton for making changes: open space corridors, all driveways fit, hammerhead, pulling the road away from Old Blood Road, wetland, and detention ponds. However he does not like the configuration of Madeline Bennett Way.

Alastair Millns showed the current parent pick-up route. He wanted to make parents pick up children away from the road rather than widening it, making a parent pick-up lane separate from everyone else and making a straight "T" turn rather than an island.

Chairman Best said a sidewalk waiver along the offsite improvements to the south is not required.

8. Discussion/possible action regarding other items of concern

- Continue discussion from February 18, 2014 regarding Master Plan Implementation and setting up a subcommittee for Sidewalks/Pedestrian ways

Chairman Best appointed Nelson Disco, Alastair Millns and Desirea Falt to act as the subcommittee.

Nelson Disco noted that the Town of Merrimack has a one-year applicability period for a variance, whereas the State has two and the State overrides local law. Tim Thompson will bring the matter to the Board for discussion.

9. Approval of Minutes – February 18, 2014

The minutes of February 18, 2014, were approved with one change, by a vote of 6-0-1, on a motion made by Alastair Millns and seconded by Lynn Christensen. Tom Koenig abstained.

10. Adjourn

The meeting adjourned at 11:02 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.

Town of Merrimack, New Hampshire
Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing
603 424-3531
Fax 603 424-1408
www.merrimacknh.gov
Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: May 29, 2014

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

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners) –** Pre-submission hearing for the Chestnut Hill Cluster Subdivision proposing to consolidate and re-subdivide 10 lots into 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231.

As the Board will recall, the applicant appeared before the Planning Board on December 3, 2013 for a Pre-Submission Hearing to discuss a proposal to consolidate and re-subdivide 10 lots into 72 cluster residential lots and 4 open space lots located on Old Blood Road in the R-1(Residential) District, as shown on the Zoning Map. A second Pre-Submission Hearing was held on March 4, 2014, where discussion centered on off-site improvements related to Wilson Hill Road/Old Blood Road and the proposed connection of a new roadway to Madeline Bennett Way. Since the March 4 meeting, the applicant has continued discussions with the School District, Community Development, Public Works, & Fire Departments as well as appearing before the Highway Safety Committee in May (a second Highway Safety Committee meeting is scheduled for June 9th). Please refer to the February 28, 2014 memo from former Planning & Zoning Administrator Nancy Larson (attached) for additional background.

Items the applicant will likely discuss on June 3:

1. Madeline Bennett Lane intersection with the Middle School Driveway

The current proposed intersection design has received preliminary endorsement by town staff & departments (Community Development, Public Works, and Fire). As mentioned above, the applicant has not yet received an endorsement by the Highway Safety Committee (HSC). The May 8 HSC presentation has been continued to June 9, so the committee members could further consider the proposed design relative to School District related concerns. The applicant is hopeful that the Board can provide some definitive direction to them and to the HSC on this matter. All parties understand the complexity and challenges regarding the design of this intersection.

While the School District plays a key role in the design of the intersection, it must be noted that their role is advisory. Ultimately, the intersection and roadway design within the Town owned property and roadway rights of way are the jurisdiction of the Town, through the Planning Board (for the design and approval) and Town Council (for acceptance of the improvements following completion). The Board should certainly utilize the input and comments of the School District in your decision making, however the approval authority for the roadway and intersection design lies with the Town (Planning Board and Town Council) and not the School District.

2. Initial road design & wetland crossing off the existing Old Blood Road

The applicant had a preliminary wetlands application meeting with DES/Army Corps/EPA on May 15, and based on that meeting, the wetland impact designs are currently on hold for additional input from the Conservation Commission (MCC). The applicant anticipates placement on the MCC agenda for June 2, and is planning on sharing their overall wetland impacts & conservation easement approach with the Board at the meeting.

3. Potential Waivers

Staff anticipates the applicant will request the Board's preliminary feedback relative to several road design waivers, which will likely include: minimum road grade, approach grade at an intersection, maximum fill slope grade, pedestrian way / sidewalk through initial wetland crossing and potentially the maximum catch basin intake values. Meridian is expected to discuss these with Kyle Fox from Public Works in advance of the meeting.

4. Updates to the road, lot & open space configuration, along with general drainage & utility approach

This will likely be very conceptual in nature, given the plans have yet to be updated since the March 4 Planning Board meeting.

Cc: File
Correspondence

Ec: John DeAngelis, Old Blood Properties, LLC.
Joseph and Mary El Kareh, Co-owners
Ken Clinton and John Heavisides, Meridian Land Services
Attorney Greg Michael, Bernstein-Shur
John Tenhave, Northview Homes
Kyle Fox, PE, Deputy Director of Public Works/Town Engineer
Mark Doyle, Police Chief and Chair of Highway Safety Committee
Carol Miner, Secretary, Building Department
Fred Kelley, Building Official, Building Department

3. The applicant shall add the (administratively approved) signed plan as a reference plan in the notes;

4. The applicant shall add a note of the plan acknowledging that any signage shall require a sign permit from the Building Department.

ON THE QUESTION

Chairman Best stated a desire for the Board to be specific about the location of the fencing, and suggested it be located in front of the last 3-4 parking spaces and then round the corner (L shaped). He also suggested it be waist high as opposed to a 6' fence. Member Christensen suggested it be placed along the driveway entrance and then across the front along D.W. Highway, e.g., across all six spaces and some of the grass all the way to the exit, to roughly the property line and up the property line some distance. Member Millns stated a desire for the fencing to extend a few feet in the direction of the building (westerly). It was noted the motion includes language requiring the fencing be acceptable to the Community Development Department, which should provide the confidence it will be addressed in accordance with the Board's desires and in a manner in which not to interfere with site distance of motorists.

When asked for clarification, Director Thompson stated the only thing that prevented the department from administratively approving the additional seating indoors was the parking requirement.

MOTION SECONDED BY MEMBER CHRISTENSEN
MOTION CARRIED
5-2-0
Councilor Koenig and Member Bonislawski voted in opposition.

4. Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners) - Pre-submission hearing for the Chestnut Hill Cluster Subdivision proposing to consolidate and re-subdivide 10 lots into 72 cluster residential lots and 4 open space lots located at Old Blood Road in the R-1 (Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009 and 231.

Director Thompson commented this is the 3rd pre-submission hearing on the project since Meridian Land Services has taken it over. The primary interest is in receiving feedback from the Board relative to the intersection of the proposed connection to Madeline Bennett Way. The Applicant is on the Highway Safety Committee's agenda for next week.

Kenneth Clinton, President, Meridian Land Services, Inc., remarked the project is a cluster sub-division of 71 lots. When last before the Board, March 4, 2014, a few new design aspects were introduced with the intention of being able to wrap up a few key items and return with a more thorough plan in advance of finalization of the application. Unfortunately, the desired level of progress has not yet been met, due to two items in particular.

Since last before the Board, a meeting was conducted with representatives of SAU26, during which they shared their concerns. Their comments, together with those received at various meetings with Town staff, were considered for the development of what is believed an appropriate intersection design of Madeline Bennett Way. He noted preliminary endorsements of the plan have been garnered from the Community Development Department, Fire Department, and the Public Works Department; specifically for Madeline Bennett Way at the intersection with the school driveway.

Meridian also met with the Highway Safety Committee and explained the proposal in broad terms with focus on the two access points; southerly coming off of Old Blood Road and northerly adjacent to the middle school. Having not seen the plan previously in great detail, the Committee asked for additional time to consider what was presented and weigh some of the concerns with the School Department. The Police Chief had an opportunity to sit down with Matt Shevenell, Business Administrator and Richard Desmond, Transportation Coordinator, in advance of that meeting, and shared some of their concerns.

The analysis of an inspection of the property performed in the March 2013 timeframe was slightly different from the 2008-2009 analysis conducted by another consultant, e.g., certain areas did not qualify or were not as active as vernal pools. The area at the entrance to the property off of Old Blood Road is now seen as an active vernal pool. As a critical aspect of the entrance into the property, a special meeting with New Hampshire Department of Environmental Services (NHDES) was requested. Invited to the meeting were representatives from the Army Corps of Engineers (Army Corps) as well as the Environmental Protection Agency (EPA). Collectively they oversee wetland permitting at the beginning of a project and during construction.

They recognize the duration of the design process; goes back to 2004 when the initial Prince property was subdivided and has moved forward sporadically during the slowdown in the economy. When Meridian picked it up it inherited a certain level of set design pieces, the entrance into the property being one of them; although they did go through a fairly extensive analysis of what the alternatives might be. Ultimately the initial road crossing adjacent to what is now identified as a vernal pool was fairly fixed. During the joint meeting, the group somewhat reluctantly understood and agreed the area is where the crossing will be. However, they had several design requirements they requested be considered.

One such request was for reduced or no salt zones. As the road will ultimately be a public road, however the Town wishes to maintain it in relationship to adjacent vernal pools will be up to the Planning Board. Another request was that vertical facing granite curb not be utilized; the various inhabitants of vernal pools don't easily scale vertical granite curbing. One of the larger requests was to ensure the upland mitigation is handled properly. Once a project exceeds 10,000 square feet of wetland impact there is a requirement to set aside and protect a 10/1 ratio of area. Impacts will be onsite as well as a result of replacement of four culverts located between Old Blood Road and Wilson Hill Road and at the end of the cul-de-sac at the Madeline Bennett intersection (wetlands to the south will be impacted). Cumulatively there will be approximately 15,000 square feet of wetland impact. The ratio would result in approximately 3.45 acres of what NHDES would require to have as protected upland mitigation.

By protected; open space designation is not good enough, Deed restriction is not good enough. What they require is third-party oversight by an entity that is robust enough to have the personnel resources and to some degree financial resources to oversee, inspect, and possibly pursue enforcement action. To that end, a meeting was scheduled with the Merrimack Conservation Commission. At its meeting the prior evening, the Commission agreed, in principle, and will be providing a letter stating their agreement, to oversee such an easement. A 23 acre open space parcel wraps around the north edge and abuts the school property, which is also subject to a conservation easement held by the Commission. To the south there is an 86 acre open space parcel, which likewise could be placed under a form of conservation easement. The verbal understanding is the Commission is agreeable to acceptance of an easement on the 23 acre open space to the north, which would more than satisfy NHDES requirements. The Commission may be agreeable to the 86 acre open space also being placed under a formal conservation easement. He remarked from an environmentally sensitive standpoint, the southerly area of 86 acres is more valuable because it has numerous vernal pools on it with the various wetland areas disbursed throughout it. Once in receipt of the letter from the Commission the wetlands application will be completed and submitted to NHDES.

Chairman Best questioned, if not for the NHDES requirement, what would have occurred with the open space parcels? Mr. Clinton responded the regulation simply states that it must be protected as open space, which is fairly vague. It is not to be developed. It would be noted and restricted to be undeveloped and left as is or if the Homeowners' Association was to own it fractionally, they could form some guidelines of how it could be used recreationally, etc. In accordance with regulations you don't have to deed it outside of the Homeowners' Association. As an open space sub-division you have an obligation to have some level of guidelines for its management and oversight, but it doesn't have to be to a third party. It could be conveyed to the Town subject to a Conservation Easement, the external open space parcels (109 acres) could be handed in one manner and the remainder (21 acres internal loop) with a different level of oversight and protection. There is a 5 acre open space parcel, which really doesn't have a fraction of the value the others do and is more a buffer to the properties along Meetinghouse Road.

Chairman Best remarked, in terms of the use of the property, he is comfortable all of the spaces set aside for open space will not be used for anything whether by deed restriction or otherwise. He questioned if addressed through a conservation easement, would that change the tax impact on the property. Mr. Clinton stated his impression it would; however, noted that is not his area of expertise. He stated he would obtain the information on tax impact and make the Board aware. He commented he does not know it to be a substantial amount and the tradeoff for the benefit of the public having the Commission either manage it as an easement or perhaps the Town own it as fee with the Commission managing the easement would likely outweigh the tax impact.

Mr. Clinton stated Meridian will be seeking waivers from road standards. In the case of the first crossing, a road waiver would be sought to minimize the impact of the wetland. In order to bring the road in from the existing entrance of the hammerhead that was approved and is largely constructed, they have to adhere to restrictions; within 200' of an intersection you have to be at 1.5% grade and the desire is less of a grade (flatter) leaving the intersection. The more level they leave the intersection the less fill would be required in the first crossing. The less fill required means less width of impact.

Chairman Best questioned the appearance of an active vernal pool. Mr. Clinton remarked he has been in this business for a long time. He went to the location and walked along the shore and did not see any eggs. Egg masses are attached to branches. Tom Carr was present, and walked out into the pond; about a foot and a half below the surface he found an egg mass attached to a small branch. He counted in the vicinity of 20-30 egg masses in the area. When asked if that is the requirement to identify an area as a vernal pool, Mr. Clinton responded egg masses of salamander and wood frogs are the typical creatures. He added one year out of the three that location had been investigated it was deemed a vernal pool.

With respect to the slope of the new road to the Chestnut Hill Sub-division, Chairman Best stated his understanding as you traverse down the hill you have to bottom out and be going upslope as you touch Old Blood Road to keep water from sheet flowing down the road onto Old Blood Road. Mr. Clinton stated that to be correct. In this case the primary travel route along Old Blood Road as you head north towards the entrance will still be this very road. It will be a little tricky as far as the name change, but the access road into the sub-division is not subject to the negative 2% because it is the main through road. It is all the same grade. It is not the same scenario as a brand new road coming in at a T intersection where the runoff would be stopped from entering onto the travel way. This is one smoothly flowing continuing travel way. Mr. Clinton identified the area proposed to be at 1% grade.

Mr. Clinton stated he has met with Kyle Fox, Deputy Director, Public Works Department/Town Engineer, and he was, in theory, agreeable to proceeding and filing a formal waiver request. Chairman Best commented when you make it shallower for the bulk of the area you also make it steeper at the very end. Mr. Clinton stated that to be correct; 7.25% leaving the vertical curve.

In addition, the applicant will be seeking a side slope waiver. The side slope requirement for fill slopes is typically 4:1. They are seeking a 1:1 section through an area with the provision it will be stabilized. He noted there to be a fairly narrow window as an adjacent property has been conveyed out by a prior sub-division. There was a right-of-way slope and drainage easement obtained on that lot to some degree (35' in width at closest point). To ensure there is proper separation from the vernal pool, they are looking to do side slopes of 1:1 with riprap covering. Deputy Director Fox was also agreeable to that, in theory. When asked, he stated the vertical distance to be covered at 1:1 on the side slope would be approximately 8' at its deepest point. The option to that, if the height was too great or difficulties were experienced, would be a partial retaining wall (2-4') to offset the 1:1 in order to keep the width. The principle is to try to keep the initial crossing as minimal as possible and manage it.

Relative to sidewalks, Mr. Clinton remarked a commitment has been made that all of the new roads and the connection to the Madeline Bennett school driveway connection all have sidewalks. Sidewalk requirements include a 3' grass strip between edge of pavement and sidewalk. With Cape Cod berm it allows a little separation. If a car tire were to ride up on the curb there is extra width and a grass strip to prevent any type of further encroachment onto the sidewalk. That creates a wider road box. He stated his desire for consideration of not having sidewalks at all through the initial section. All of the new lots will be served by sidewalks if allowable, and the sidewalks would continue all the way down to the school. Old Blood Road will not have sidewalks. That was discussed in the past. For the four lots on the hammerhead, the requirement was waived back in 2004 and there are no requirements to provide sidewalks on Old Blood Road as part of that approval. There won't be connectivity in a larger sense. That would allow the road box to be brought in a little, which reduces the wetland impact. An alternative might be in the elimination of the grass strip. To do that it might be necessary to boost the nature of the curb, which somewhat goes against what NHDES wanted regarding vertical curbs.

Mr. Clinton reiterated what he wishes to relay is that Meridian will be pursuing some of these options all in the name of trying to reduce the impact. It is not yet known whether the request will be for complete 1:1 slope, short retaining wall, elimination of sidewalk, reduction of grass width separation, etc.

Chairman Best stated he would rather have a sidewalk and reduce the grass strip at that crossing. Councilor Koenig commented wouldn't a 3-4' retaining wall be worse than a 3-4" granite curb? Mr. Clinton responded he had the same thought; if a salamander can't get up to the road what will it matter. When asked if there is a culvert under the crossing, Mr. Clinton stated the nature of the crossing is one that is very uncommon in his business where water sheds off the hill and this is almost a break point where water literally goes in both directions. It is a bit of an anomaly. Effectively it is within 50-100' of the point where, as water sheds down the hill from the top east towards Old Blood Road, it wants to go both directions. Conventional drainage calculations don't exactly work here where you might have to size a culvert for a certain storm. Being at a high point in a wetland where water goes both ways you can almost say theoretically you don't need a culvert. However, they are proposing a 4' x 4' box culvert at this location to be able to convey some water at high periods.

In high periods of rain and water there is some flow that is predominantly to the north out of the edge of the vernal pool. There is some overflowing during certain periods of year, which is when the 4' x 4' box culvert will be most operational and when critters will take advantage of it to a large extent. If made to be the least impact it would mean a shorter culvert box. Member Redding stated his preference for a retaining wall rather than a steep slope of 1:1 for the challenges relative to stability. Mr. Clinton remarked he understands the point, but when talking with Deputy Director Fox about retaining walls his response is no.

Member Bonislawski questioned the requirement for monitoring of vernal pools. Mr. Clinton stated there is an obligation when pursuing a project to inspect the wetlands. If not during a vernal pool season there is an obligation to identify what has the classifications or typical characteristics of a vernal

pool. Member Bonislawski questioned the responsibilities the Conservation Commission would be taking on. Mr. Clinton remarked during the Commission meeting the prior evening one of the topics discussed was that NHDES may ask for vernal pool creation on some of the open space in the 86 acres to the south. He shared with the Commission Meridian did not intend to pursue that as part of the initial design as they do not think it is warranted. The Commission was not in favor of it either, and they specifically did not want to have ownership of or required maintenance or follow up to a created vernal pool.

Chairman Best commented on the statement made that NHDES requires an easement be put into the hands of the Commission because they have the ability to maintain, enforce, etc. He added if there are retaining walls, maintenance would be an issue for the Town. If the retaining walls were within the section of the easement they would be the responsibility of the Conservation Commission. Mr. Clinton remarked he does not believe Meridian will strongly pursue those. They will revisit, but his initial impression is they will not all end up in the final design.

Mr. Clinton stated the same issues regarding minimizing impact to wetlands hold true at the Madeline Bennett intersection. If allowed to tighten up the sidewalk, reduce the 3' grass strip down to the curb and also have 1:1 side slopes it would assist in reducing the wetland impact. That is more important here due to the proximity of the abutter on Merrymeeting Drive. The nature of the curve is such that if they didn't have the 1:1 slopes they may need a retaining wall and/or a grading easement onto the abutter's property. In that area there is a 4½ - 5' elevation change so a 1:1 slope would not be that intrusive. Some of the same minimizing waivers that may be sought for the initial entrance off of Old Blood hold true but to a lesser extent on the Madeline Bennett side.

The only other potential waiver being considered; on a site where they encounter ledge, there are ledge cuts, and the ledge is found to be suitable to be solid enough that they have 1:1 cut slope.

Member Disco stated his appreciation of the level of information provided and consideration given to alternatives. He encouraged the Applicant to continue to keep a sidewalk in the plan. With regard to curbing he noted there is an approach utilizing a slanted granite curb, which may solve the issue identified.

Speaking of the intersection, Madeline Bennett Lane at the middle school driveway entrance, Mr. Clinton remarked it is a complicated matter because of the nature of how the right-of-ways were created prior to the school's existence, how they were then modified during the design process, and how they were left.

With the current plan, although the overall picture is that Madeline Bennett Lane is designed to be a public road, it is not a public road in the sense that it is not accepted. It is maintained by the Town and used as a public way. Since the school was built it has effectively been an extension of the driveway. From the school standpoint it is their driveway. However, working with Community Development, the Fire Department, and the Public Works Department, Meridian has received preliminary endorsements of the current design.

As you come from the Baboosic Lake intersection, with controlled lights, and drive down the driveway (36' paved), the center lane is for emergency use only, the right lane is to travel to the school, and the opposite lane to travel back to the lights. The middle lane is for safety purposes because it is an extremely long dead-end road with no other outlet/access. It was always intended to have further access points either to the north or south on Old Blood. It comes down to what is the proper connection of the school driveway to the public road. At its simplest point Madeline Bennett Lane is to be a public road. Old Blood Road is a public road. The public road is the primary use and feature of this road. The driveway for the school is just that, a driveway, and secondary in nature. A public road

and its through capabilities and connections take precedence from a design standpoint over any driveway.

It is suggested to make use of the center lane. The school has a use of that lane they feel is very important for them specifically at pick-up in the afternoons (stack buses). That is on a public road and creates a public nuisance. To try to help alleviate that and create a better situation, they propose dedicating a right-turn lane coming up towards the school and creating what would have been, in previous years, the middle safety lane as a through lane. The middle lane is no longer needed since they are providing a connection all the way through the sub-division; Old Blood Road all the way out to Wilson Hill Road. As motorists enter the school the dedicated right-turn lane can then enter into two lanes. Pavement would have to be removed from the cul-de-sac, the sidewalk would have to be reconnected, and a section of the bump-out at the back end of the cul-de-sac would have to be removed. One of the sticking points with the bus company is upon exit, as with any other driveway, you would need to stop at a stop line prior to entering the public road. They felt this might cause an undue amount of delay to their routing. Mr. Clinton commented there will be some cumulative build up, but it is not substantial as to affect the overall routing in town. He does not see any evidence of that nor has any been presented.

Mr. Clinton noted the Deed of Easements that was conveyed by the School District to the Conservation Commission allows for this very upgrade and realignment of Old Blood Road. It is understood this will be modified in the future. There was no conception of when it would occur, but understood, at one point in time, Old Blood Road would be upgraded and the connectivity would be made. He stated it to be a safe, proper design for both the general public traveling on a public right-of-way as well as the school.

Mr. Clinton stated his surprise there is only the one single sign on Madeline Bennett indicating a school. He remarked other schools in town have the standard sign as well as posted speed limit of 20 mph and a flashing light during the prime drop off/pick up periods, which are absent along Madeline Bennett. Signage is being proposed. The standard is 200' from intersection. They are proposing signage, from each direction, at 300', which would create a 600' wide 20 mph zone during drop-off/pick-up periods.

Member Falt questioned whether consideration has been given to a three-way stop; stop all straight through traffic and then Madeline so that when you get to the driveway everyone else has to stop. Mr. Clinton stated his understanding of the concept, and commented he thinks it fair to say they have thought of pretty much everything. In fact, this has been discussed at the Highway Safety Committee meeting; not only stop signs, but having a traffic light installed, etc. These traffic control measures are not proper on a public road, e.g., to have a public road stop for the short intermittent periods of school drop-off and pick-up. To have a stop sign there and have the general public required to stop 24/7 no matter whether school is in session or not would actually breed a likely unsafe scenario where people would tend to get accustomed to rolling through and not stopping at all. The traffic light scenario; the volume of traffic is nowhere near the threshold of a traffic light let alone the cost to the Town to maintain it. Traffic calming patterns or devices other than what is shown on the plan are excessive for the area. He remarked he is cognizant it is a school and the concern is public safety; this plan is properly designed for that.

Chairman Best commented in this proposal and somewhat of the prior proposal they have smoothed the transition from Madeline Bennett onto Old Blood Road, making it a transition that occurs without a T junction or a stop sign. Generally when two roads intersect each other they do it a 90 degree angle, and there is a stop sign. To say that is an unsafe situation seems to fight the evidence of every other intersection around. He stated understanding there is a driveway coming off of this one and that he is not necessarily opposed to the idea, as it may work. However, when talking about what is in the best interest of the public; a greater amount of the public is getting down this road to go to the school and back every day than the number that will live in the sub-division. In terms of which is the greater good

for the public he is not convinced he is persuaded with the argument presented. He added he understands there is a difference between a public way and a driveway and he does not necessarily think the school has to be held harmless so that they get the full benefit of what they had before, but if we jam up the traffic at the school the Town will hear from parents, teachers, the busing company, etc. He remarked he is okay with creating the smooth transition between Old Blood and Madeline, but it does have to accommodate and take into account not creating a terrible situation at the school.

Mr. Clinton spoke of the number of months the issue has been looked at and the number of meetings that have been conducted around this issue. The less desirable design that was shared the last time he was before the Board was too complex to resolve the issue. The current design is the proper design, and endorsements have been gained from Town staff and departments save the Highway safety Committee, which all things considered they don't have the same level of expertise and background as some of the people who have already endorsed the plan.

Chairman Best remarked it may be the right design, and the Board will learn more about the design, he just wished to express when discussing it, the school is not the population that uses the road, it is the public that are going back and forth to the school. Mr. Clinton reiterated the current design is the safest design for all involved.

Member Millns stated concern with motorists entering the school coming from Old Blood Road blocking the roadway at which point the whole system falls apart. He added, when talking about the bus routes, if there is a hold up at the middle school there will be delay at the high school. He recommended something be put in place to prevent blockage. Chairman Best suggested a no left turn off of Old Blood Road down to the school's driveway. Mr. Clinton remarked what is being discussed is stacking trying to go in and that means how they function internally is not working. The only way to alleviate those concerns is to have a traffic control officer assigned there for a certain period during the school days. The intersection can be fixed so that it is safe for everybody in that sense. As far as enforcement/proper usage of the intersection, that can only be controlled by a traffic control officer being there.

Chairman Best disagreed with the suggestion of the need for a traffic control officer, and stated if one is needed it is not designed right. He remarked he is not suggesting it is a failure on the part of Meridian as he believes the layout of the middle school is not effective for the traffic. The consequence is if they can't get traffic into their site smoothly they will sit in the road as a part of the process. You have to accommodate the fact that expected traffic has go to get into that school somehow. Mr. Clinton stated where this all heads is that they are at a bit of an impasse. Although they have collected various endorsements by key staff and departments, ultimately they may not be able to get over a point where they can fix the school's issue because it is how they operate with their buses and internal traffic pattern which creates this issue. He stated the desire for direction. He noted the Town has the definitive determination as far as what the Applicant shall do with regard to the realignment and upgrade of the road. It says so in the Conservation Easement Deed. He remarked they have gone through this process for several months and have reached a point to be able to say this is the best thing to do. It doesn't solve all of the problems. Some problems they cannot solve because they don't have the jurisdiction to tell the buses how to stack, stage, and create the internal traffic patterns.

He questioned if, for whatever reason, the Traffic Safety Committee cannot endorse the plan, where do they go from there? They already have endorsement from Community Development, the Town Engineer, Fire Department, etc. He questioned where else they could go to show this is the best design. He stated they are the professionals that are saying this is the correct thing to do. Chairman Best responded one place they can go, as a Planning Board, is to peer review, and get some independent evaluation of how the traffic will flow, etc. Director Thompson stated Paul Konieczka from CLD Consulting Services (CLD) is one of the members of the Highway Safety Committee. Mr. Clinton noted, at the last meeting of the Highway Safety Committee Mr. Konieczka made sure everyone in the

room understood that not only was he there as a member of that committee but he was also a review engineer through CLD that would ultimately be seeing the plan. Mr. Clinton remarked he got the impression while Mr. Konieczka had some opinions to share he was a little bit hesitant to come to the forefront.

Chairman Best remarked a concern he has in terms of how it operates within the school is if they get enough buses trying to leave there that are stacked up that reach the point where the parent drop-off area is in that intersection with the parking lot then the buses start to block the way that traffic can turn and flow on the site. If you started to get back to that stage he would start to say he would not buy this as something that would be effective and working. If you can say pretty consistently that would only occur 15 minutes a day during school days he would start to be moved.

Mr. Clinton stated he could appreciate the position the Board is in; however, he is at impasse as far as how to proceed. The resolution of the intersection goes to their ability to complete the wetlands permit, which is an impact directly to the south. This is a paramount issue for them to clear. Chairman Best stated if what is presented is the best design then the next step for Meridian, in terms of what he would like to see, is for them to have the data to say what this will look like in practice in terms of wait times at the intersection or service at the intersection, etc. Mr. Clinton responded he is not sure how that data could be collected without having the buses stop upon exit in which case they would have to perform some sort of study to show that. He is not sure if that would yield definitive results because they would also have to have someone at the same time at the intersection (lights) doing the same type of analysis. He stated, instinctively, he does not believe that would show any great delay. He is unsure it could be quantified.

Chairman Best remarked the buses go clockwise around the building, come around the back of the building and try to get back onto Madeline Bennett Road and have to turn left across that traffic. If there is incoming traffic their turning left will block that, which will lead to the backup. Mr. Clinton stated he does not believe he could acquire data that would be able to convince that backup would not occur. It is an internal configuration problem with how they operate at the school. All they can address is the proper connection of their driveway to the town road. Chairman Best stated what is known is how much traffic will be produced off of their road with 72 homes plus a few more from Old Blood Road. They can do trip calculations to say what will be going by at rush hour and what is the wait time for someone trying to get out of the driveway, and use that to try to figure out what the backup will be.

Director Thompson remarked the other factor is that the peak hour for the general traffic on the roadway will not correlate with the peak for the school bus usage. Chairman Best stated the afternoon usage will not, but the morning usage comes close. Mr. Clinton stated, in witnessing the traffic patterns in the area, it is the afternoon that really causes the problem. Member Millns stated agreement.

Member Bonislawski questioned what would occur if the SAU does not like anything that is approved. Mr. Clinton spoke of the recorded Deed of the Merrimack School District Conservation Easement. The easement allows for the road to be re-aligned and upgraded. Paragraph 3 of page 5 reads: "The proposed design shall encroach on the easement area of no greater than is necessary in the opinion of the Town Engineers to accomplish the re-alignment of the road. Notwithstanding that the final location of Old Blood Road shall be determined by the Town, the Grantor shall have the right to provide input and written comment on the location prior to a final determination. If there is a conflict between the Grantor's proposed location and the Town's, the Town's determination shall be final."

Mr. Clinton remarked enough Town level endorsements have been accumulated that they are ready to proceed. He is not sure what else the Highway Safety Committee could add to the discussion as it has received the same presentation provided the Board. Mr. Clinton remarked there are times when input from different sides conflict with one another. In this instance the weight of the solution/the proper

design is so much on the Town side as endorsed with the proper safety considerations than on the school side, meaning no disrespect, and that is where they are in the design process.

Member Disco suggested CLD be asked to conduct a review. He commented the information presented appears to be the proper direction. Councilor Koenig stated his appreciation for the changes that have been brought forth; simplifying the intersection, realizing the driveway concept. He commented the delay of the buses coming out of the area is much less than the delay at the light at Baboosic, which was put in by the School District. He does not believe there would be an impact on bus traffic out of the area by a stop at the end of the driveway. The only thing that could muddy it up is motorists coming from the Chestnut Hill area and wanting to turn into the school. Member Millns agreed, and added the delay to a bus, provided motorists heading into the area for pick-up don't block the road, is nothing.

Chairman Best thanked Meridian for the changes made. He suggested the simplest way to bring these two roads together at a 90 degree intersection with a stop sign would also require there to be a stop at the middle school driveway. He agreed with the suggestion of having CLD take a preliminary look at the design and provide input. Director Thompson remarked he and Mr. Clinton have discussed having CLD conduct a review prior to the formal submission being made to the Planning Board.

Mr. Clinton stated his understanding the recommendation is for CLD to have a focused look at this particular issue, weigh in, and if favorable to the current design, within reason as determined by the Community Development Department, they could proceed with their design in advance of coming back to the Planning Board. The Board stated agreement.

Public Comment -

Scott Messina, 36 Old Blood Road

Stated he does not fully grasp how the developers are going to construct the subdivision, and is curious how it will affect his property. Having just moved into his residence in March, he signed an Easement as part of the acquisition. He would like to understand the impact to his property given the proximity of his residence to that intersection. He also noted the existence of an underground propane tank in the vicinity. He questioned how built up the road would be.

Chairman Best told Mr. Messina, as an abutter, he will receive notification as the process proceeds. He noted in terms of impact one of the issues most concerning to most of the neighbors is drainage/runoff, which is an area the Planning Board reviews. The Applicant is required to have no increase in water runoff from its property onto abutting properties. He added an easement signed that allows for some things to occur that would not normally occur between abutters, is something the Board would not necessarily get involved in. Mr. Clinton stated he was aware Mr. Messina has concerns, and would be happy to receive his call. He offered to provide him additional detail if he wished to visit the office.

Chairman Best commented the sense he received from the Board with regard to the two wetlands crossings was to keep the sidewalks in if possible and there will be flexibility on other options that have to be taken to reduce the size. Member Redding clarified the definition of the review with CLD is simply to identify this is a safe intersection and that there are no other potential options that would create a more efficient intersection. That is it. Chairman Best stated agreement, and commented he is in favor of the suggestion for the school zone flashing 20 mph signs for some distance both directions down the road.