



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MEMORANDUM

Date: June 11, 2015
To: Robert Best, Chairman, & Members, Planning Board
From: Timothy J. Thompson, AICP, Community Development Director
Subject: **Regional Impact Recommendation – Fortin/Nitrof Site Plan, Lavoie/Kennedy Subdivision, Flatley Site Plan**

As discussed at the 12/2/14 meeting, please find this memo as the staff recommendation on the Regional Impact determination for the Fortin/Nitrof Investments Waiver of Full Site Plan Review, Lavoie/Kennedy Subdivision, and Flatley Site Plan. Please review this under the “Planning & Zoning Administrator’s Report” portion of the agenda.

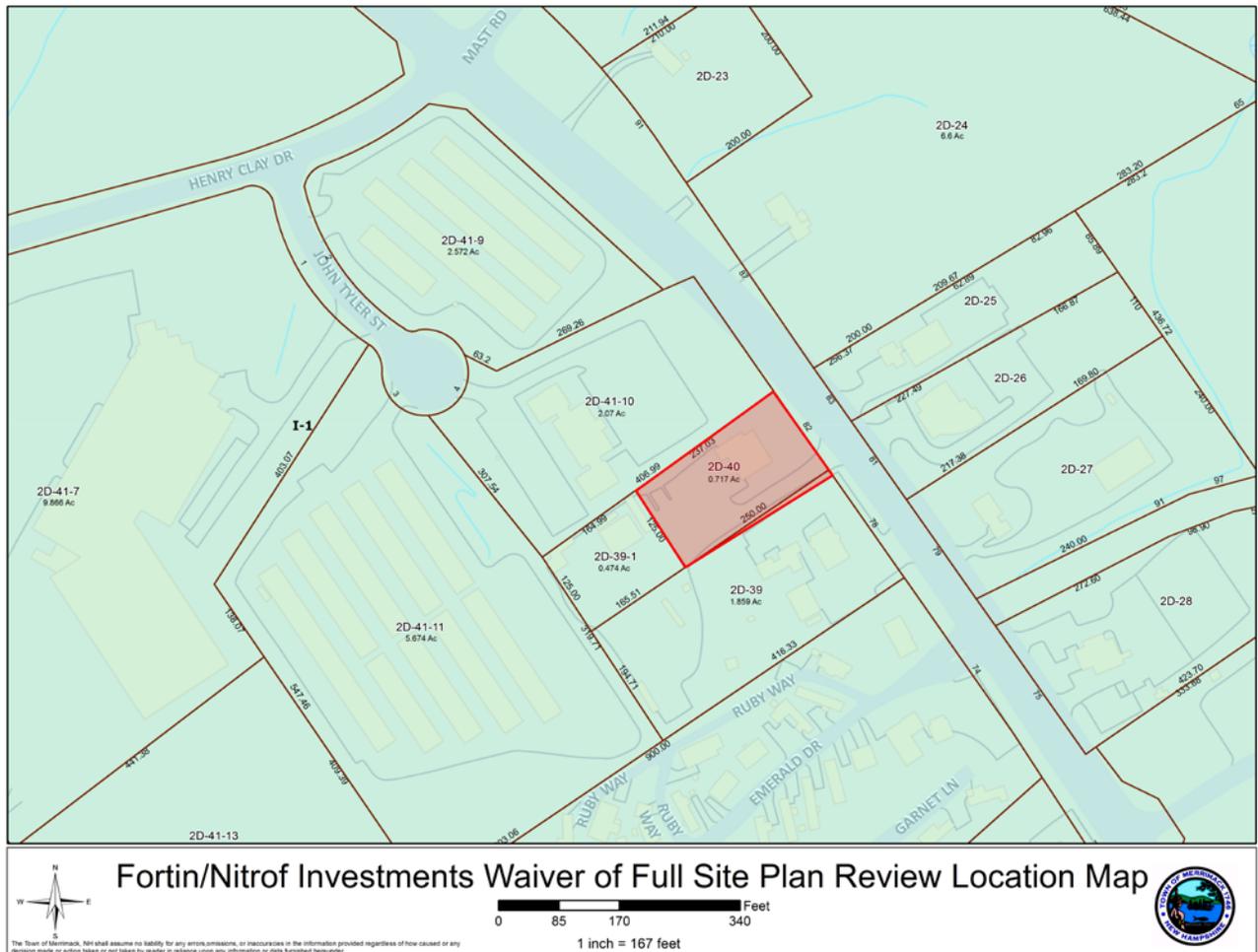
As a reminder, the general criteria considered by staff in making this recommendation are:

- *Is the proposed development directly adjacent to a municipal boundary?*
- *Is the proposed development located within 1,000 feet of any aquifer or surface waters that transcend municipal boundaries **and** there will be either a large water withdrawal (defined as 57,600 gallons by NHDES) **or** there will be indoor, outdoor, or underground storage of chemicals or other potential pollutants?*
- *Is the proposed development creating a new road or a point of access between municipalities?*
- *Is the project a proposed non-residential development that will generate 500 or more vehicle trips per day into an adjacent community as determined by the most recent published version of the ITE Trip Generation Manual?*
- *Is the proposed development of 100 or more residential dwelling units where any portion of the development is within 1,000 feet of a municipal boundary?*
- *Is the proposed development anticipated to have emissions such as light, noise, smoke, odors, or particles that may impact a neighboring community?*

Project Summary:

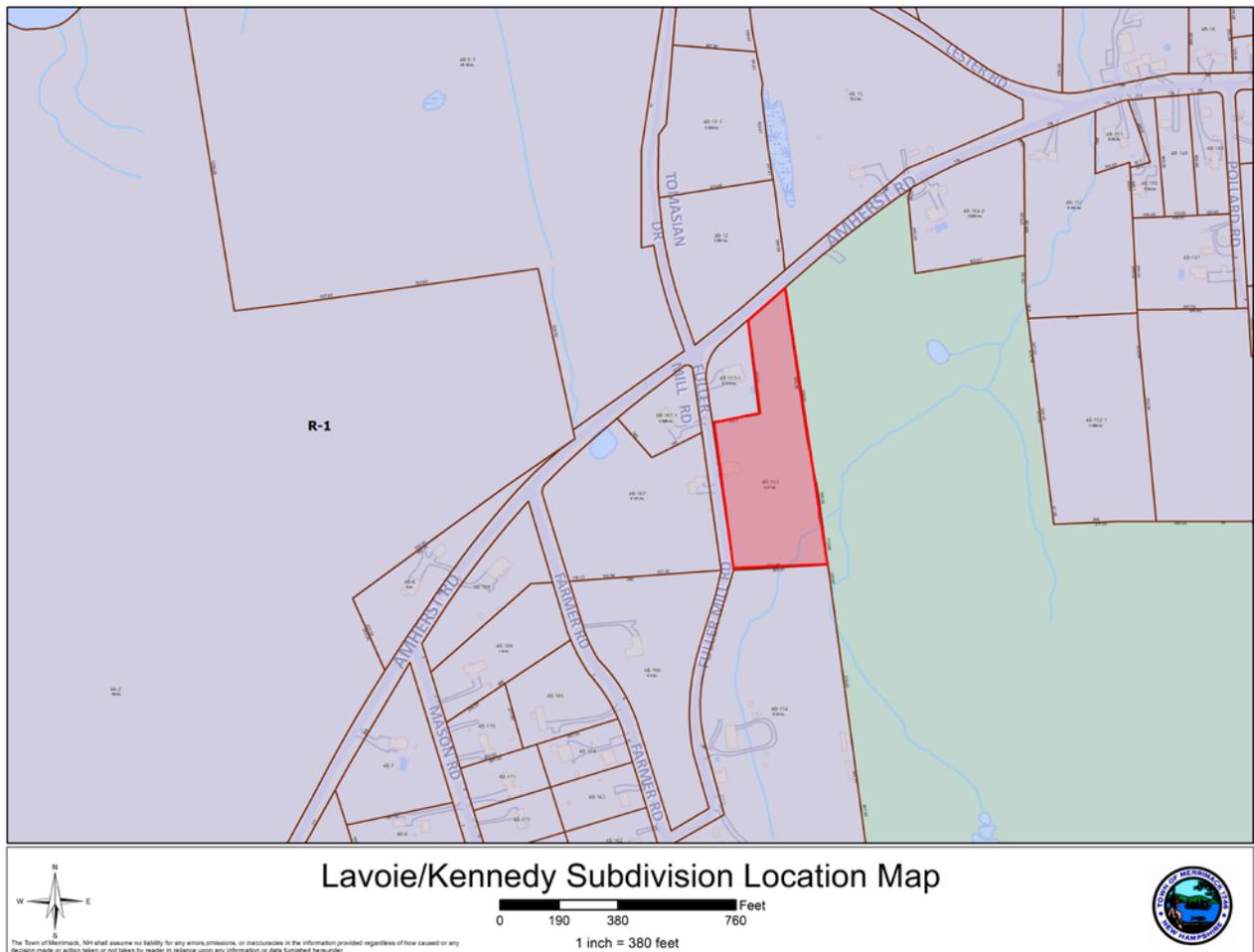
Mario Fortin and Nitrof Investments, LLC. (applicant/owner) – Review for acceptance and consideration of Final Approval of a waiver of full site plan review to construct an 18'x 60' storage shed addition to the existing 5,432 s.f. building. The parcel is located at 82 D.W. Highway in the I-1(Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 040.

The project proposes to add an 18'x60' storage shed addition at 82 DW Highway and requests a waiver of full site plan review. The ZBA granted a variance in May to allow the addition to be located 2 feet from the side property line.



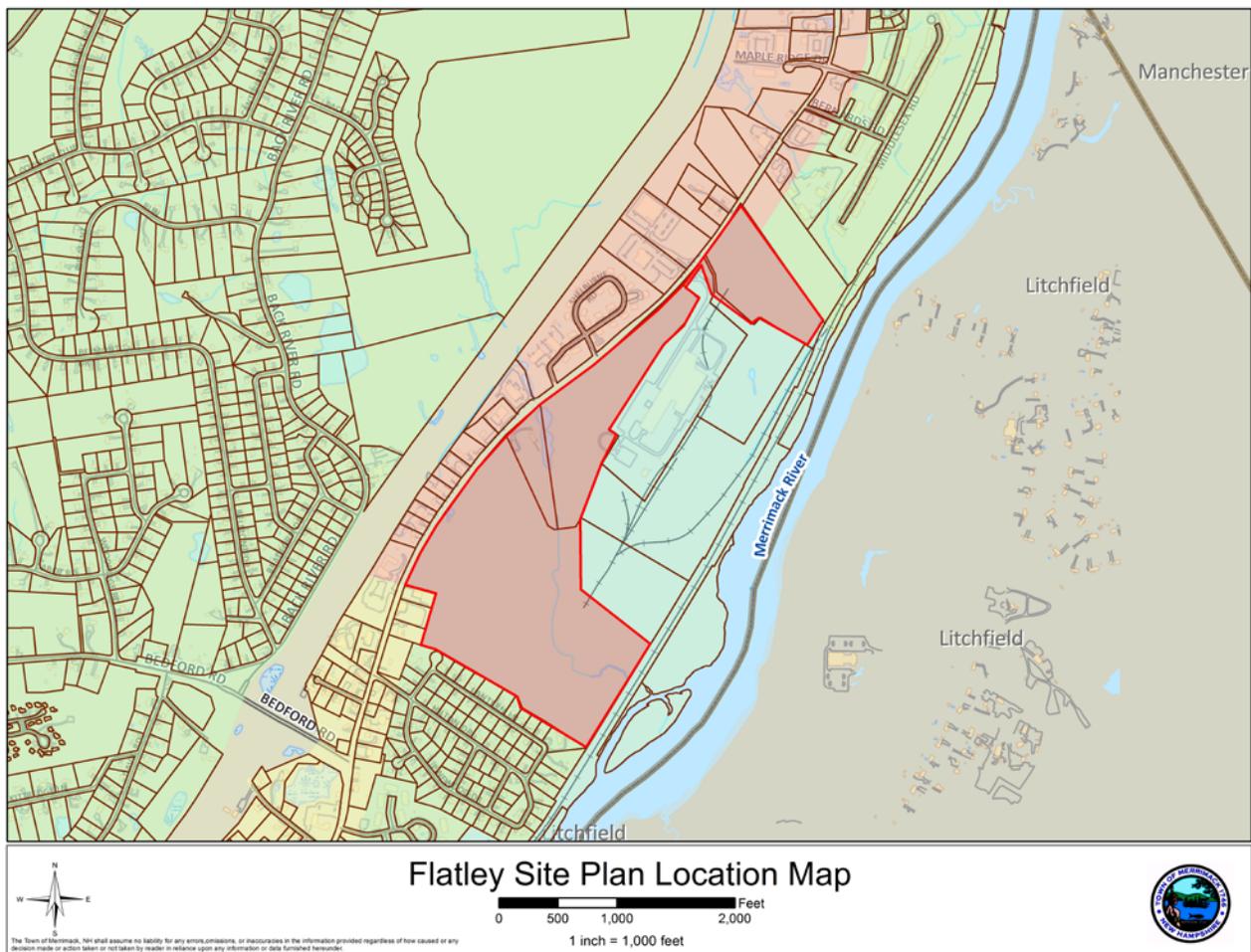
Robert Lavoie (applicant) and Gregg R. Kennedy (owner) – Review for acceptance and consideration of Final Approval of an application for a 2-lot minor subdivision. The parcel is located at 8 Fuller Mill Road in the R-1 (Residential) District. Tax Map 4B, Lot 153.

The project proposes to subdivide an existing 4.41 acre parcel into 2 residential lots.



John J. Flatley Company (applicant/owner) – Review for acceptance and consideration of Final Approval of an application for a site plan to construct 240 multi-family residences, clubhouse, and associated parking and drainage improvements, per the requirements of the Flatley mixed use Conditional Use Permit. The parcels are located at # 645, 673, 685, 703 and 707 D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05 & 003-06.

The project proposes to construct the first phase of the Flatley Mixed Use Conditional Use Permit with the multifamily residential portion of the project. The site plan proposes 240 multi-family units, which would be phased in accordance with the CUP. [Staff notes that the project may not yet be complete and ready for acceptance by the Board, as the CUP has not yet received final approval and without the CUP this use is not permitted in the I-1 District.]



Recommendation:

Staff recommends that the Board **determine that the Fortin/Nitrof and Lavoie/Kennedy projects are not of Regional Impact**, as they does not meet the criteria discussed by the Board on 12/2/14.

Staff further recommends that the Board *consider* a determination that the Flatley Site Plan is a development of regional impact, as it exceeds the criterion for number of residential units within 1,000 feet of a municipal boundary.

Staff does note, however, that despite the location within 1,000 feet of a municipal boundary (with the Town of Litchfield), there is no access from the Flatley development (nor any access nearby) that impacts the Town of Litchfield. **Staff emphasizes that the Board can use discretion in this determination (given the lack of any direct connection to Litchfield) and determine that the project is not of regional impact.**

If the Board does determine that the Flatley project is of regional impact, Staff would follow the statutory protocols for notification of the Town of Litchfield and the Nashua Regional Planning Commission.

cc: Jillian Harris, AICP, Planning & Zoning Administrator
Donna Pohli, Assistant Planner
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