



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MEMORANDUM

Date: August 28, 2015

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

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **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. ***This item is continued from the June 16, July 21, and August 18, 2015 Planning Board meetings.***

Background: Please see the June 11, 2015 Memo for background information on this application, in addition to background memos provided during 2014 on the entire project during the Conditional Use Permit process. The town's peer review consultant, CLD, provided an initial review and comments were received July 20, 2015. A meeting is scheduled for September 1, 2015 to discuss these comments with the applicant.

Completeness: The conditional final approval for the Conditional Use Permit granted on November 18, 2014 has been finalized (and will be signed by the Board prior to the meeting on September 1st), which allows the multi-family residential use in this district. The site lighting plan, as well as utility profiles are still pending as of the writing of this memo. Staff recommends that the Board carefully consider whether to accept the application, and determine if 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: The applicant has not requested any waivers at this time. Staff expects that, at minimum, a parking waiver will be sought for the project; however it is too early in the process to know if other waivers will be necessary. Waivers can be considered at a future hearing on this project.

Recommendation: **Assuming the Board continues the application to a date certain (or finds the application to be incomplete); we recommend the applicant be prepared to address the following items with any resubmitted application:**

1. Summary of the findings for Stormwater management Analysis;
2. An updated Fiscal Impact Analysis for the subject site plan, relative to the multi-family portion of the entire mixed use project;
3. Lighting and Landscape plans (marked as "pending" on the site plan submitted);
4. Site Plan depicts 5 multi-family residential apartment buildings. The conditionally approved CUP includes 4 of these buildings in Phase 1. The phasing must be indicted on the site plan and

in the notes that only 4 can be approved during this phase, consistent with the CUP approval and development agreement;

5. Staff recommends indicating project phasing of the entire project on the cover sheet;
6. Staff recommends addressing multiple typos throughout the plan set;
7. Please update Note #19 on Sheet 2 to the current chapter no. 167 of the town code for the stormwater ordinance;
8. The CDD reserves the right to provide further comments after revisions to the current plan set are received;
9. The applicant will need to obtain all applicable state permits (AOT, NHDOT, etc.);
10. Public Works recommends that the project connect to the R.O.W. of Allen Road with either a full town standard road or emergency access road;
11. The applicant should be prepared to address comments from all Town Departments, Board and Committees, as applicable;
12. The applicant shall address all applicable comments from the Town's peer review consultant, CLD;
13. Staff recommends that the applicant coordinate with the Lower Merrimack River Local Advisory Committee (LMRLAC) early in the process, as LMRLAC has jurisdiction for comments on this project (as it is within $\frac{1}{4}$ mile of the Merrimack River).

Cc: File
Correspondence
John J. Flatley Company, Applicant/Owner

Ec: Fire Captain John Manuele
Kyle Fox, Deputy Director of Public Works/Town Engineer
Ken Conaty & Jim Taylor, Wastewater Division
Building Official Fred Kelley
Carol Miner, Building Department