



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

www.merrimacknh.gov

MEMORANDUM

Date: January 28, 2016

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

From: Timothy J. Thompson, AICP, Community Development Director
Robert Price, Assistant Planner

Subject: **Greenfield Management, LLC. for Greenfield Farms (applicant/owner)** – Conceptual discussion of a proposed single family cluster development located at Wire Road, Whispering Pines Lane and Pearson Road in the R (Residential), Aquifer Conservation Districts and the 100/500 year Flood Hazard Areas. Tax Map 7C, Lots 028, 030, 040 & 040-1.

Background: The subject parcels, Tax Map 7C, Lots 028, 030, 040 & 040-1, comprise approximately 129 acres of land and is located at Wire Road, Whispering Pines Lane and Pearson Road in the R (Residential) and Aquifer Conservation Districts and the 100/500 year Flood Hazard Areas. The area is undeveloped, but portions have been planned for the next phase of the Greenfield Farms subdivision (the currently developed portion of the project is located in Bedford). The site would have access to water from Merrimack Village District and municipal sewer would also be extended to service the development of the property.

As the Board is likely aware, this project has been in front of the Board on multiple occasions. In 2007, the Board granted conditional approval to a cluster subdivision of 24 lots (with 2 open space lots). The project never received final approval, however, as the provision of municipal sewer to serve the project was never in a format and design that met the approval of the Public Works Department (the applicant prepared but withdrew a plan in 2009, then appeared before the Board in 2014 with discussions regarding sewer extensions, see attached prior memos and minutes for further background).

After continued discussion between the applicant and the Public Works Department, it now appears that the sewer extension's design has been modified to be consistent with the Town's latest Sewer Master Plan (adopted in 2013), and that Public Works is comfortable with the plans/design to bring sewer to the site.

In addition to the revisions to the sewer extension design, the applicant has acquired additional abutting parcels which are now incorporated into the latest conceptual design. The applicant is seeking initial feedback from the Board on the concept, before beginning formal design and engineering work on the new subdivision concept.

Staff will also note that the applicant has changed design firms for the project. The initial 2007 plan was design by True Engineering, which has since gone out of business, and True Engineering's intellectual property was acquired by CLD Consulting Engineers. As you are no doubt aware, CLD is the Town's engineering peer review consultant for Planning Board applications. While Meridian Land Services has now taken up the design work for the project, the work is still based on the plans and information that were prepared initially by True and CLD. As such, when a formal application for this project is submitted, the Town, at the applicant's request and as authorized by new state law,

recommends that the services of a different peer review consultant be utilized for this project (RSA 676:4-b, which states:

“The applicant may request the planning board choose a different third party consultant and the request may include the name of a preferred consultant. The planning board shall exercise reasonable discretion to determine whether the request is warranted. When such a request is granted by the planning board, the 65-day period for the board's action on an application stated in RSA 676:4, I(c)(1) shall be extended 45 days to provide the board adequate time to identify a different consultant.”

Staff will work with the applicant and Meridian to secure the services of a peer review consultant for the project moving forward, which will be, as per the normal procedure in accordance with statute, at the applicant's expense. At the appropriate time, staff will bring forth a recommendation to the Board for the selection of a peer review consultant for your approval.

Staff offers the following comments to facilitate the conceptual discussion with the applicant:

1. The Board should discuss how the purposes of the Cluster Residential Development Ordinance are being met:
 - a. To promote the conservation of the natural environment, and the development of community uses in harmony with the natural features of the land;
 - b. To establish living areas within the Town that provide for a balance of community needs, such as a diversity of housing opportunities, adequate recreation and open space areas, easy accessibility to these and other community facilities, and pedestrian and vehicular safety;
 - c. To provide for an efficient use of land, streets, and utility systems; and
 - d. To stimulate new approaches to land and community development.
2. The Board should ask the applicant to discuss how the project has grown with the additional land they've acquired, how that has allowed them to alter the layout of the development and also if they are considering phasing the project in any manner.
3. The applicant shows 66 lots on the plan but the application indicates the number of lots is 'to be determined.' The Board should ask the applicant to clarify how this number may change.
4. The applicant should discuss how the sewer plans have been modified to satisfy the Public Works Department.
5. The applicant should be asked to discuss any potential waiver requests or zoning relief they may be considering.
6. As has been done previously, the applicant should be reminded that proposed fire hydrants and street names must be shown on an engineered plan for review and approval by the Fire Marshal.
7. Staff recommends that the applicant continue to seek input from all local entities (Conservation Commission, Town Departments) early in the process.

cc: File
Correspondence

ec: Kenneth Clinton, Meridian Land Services
Greenfield Management, LLC, Applicant/Owner
John Manuele, Fire Marshall
Jim Taylor, Acting Public Works Director
Ken Conatay, Wastewater Division
Kyle Fox, PE, Town Engineer/Deputy Public Works Director
Fred Kelley, Building Official
Carol Miner, Building Department

MEMORANDUM

Date: February 23, 2007
To: Nelson Disco, Chairman, & Members, Planning Board
From: Nancy Larson, Planning & Zoning Administrator
Subject: **REVISED** per PB meeting - Greenfield Farms - Phase 12 – Tax Map Parcel 7D/010.

The applicant requests final approval to subdivide 1 lot into 24 single-family cluster residential lots, 2 open space lots, and the consolidation of a newly created non-buildable lot into an abutting parcel. The 27+/- acre parcel located at 70 Pearson Rd. lies within the R-Residential District and the Aquifer Conservation District. A proposed lot line adjustment will also consolidate 1.7 acres of 7D Lot 10 (cluster parcel) into 7D Lot 11. As a result, the cluster parcel will be reduced to 26.92 acres and existing Lot 7D Lot 11 will increase to 32.51 acres.

The applicant requests the following waivers:

- **Waiver of Section 4.20.2 of the Subdivision Regulations to waive the requirement for sidewalks along both sides of the new subdivision road.** The applicant does propose construction of a sidewalk along the entire north side of the new subdivision road, ending at the temporary cul-de-sac. Given the anticipated low traffic volume of the road and since the Bedford end of the road will not have a sidewalk, the **planning staff supports** this waiver request.
- **Waiver of Section 4.12 (c) of the Subdivision Regulations to allow for construction of a cul-de-sac that exceeds the 1,200 ft. maximum length permitted (1,398 ft. is proposed).** The revised plans shifted the driveways so that no drive will be located at or beyond the 1,200 ft. limit from Pearson Road and, as a result, the Fire Department will not require installation of sprinkler systems in those homes. For these reasons, the **planning staff supports** this waiver request.
- **Waiver of Section 4.12 (b) of the Subdivision Regulations to allow a Sag K Value of 10 where 40 is required.** The applicant has been working with Public Works to reduce the amount of waiver needed, resulting in this updated request. **Public Works supports** this new request.

The development will be served by municipal sewer and water and the proposed roadways are to be public. Proposed Grapevine Road (the primary road) is designed as a temporary cul-de-sac, which will eventually punch through to Phase 10 Greenfield Farms in Bedford, when/if that phase is constructed. The connection is desirable by the Towns of Merrimack and Bedford for maintenance and emergency access. If approved, a copy of the recorded plans will be forwarded to Bedford. The roadway is proposed at approximately 1,398 ft. in length to the end of the cul-de-sac (see waiver request above). A 75' x 125' multi-purpose field, a play ground and fitness trail/hiking trail with 2 workout stations will be constructed in the open space by the developer.

The Department of Public Works (DPW) has signed off on roadway modifications which will need to be made to the final plan set and reviewed again by DPW. Wastewater received a revised submission on February 16, 2007 & all prior comments have been addressed. All prior comments issued by the Fire Department have also been satisfied. All State permits have been received except for the NH Department of Environmental Services Sewer Extension permit which is pending. A new Water Connection permit will have to be granted since the original permit expired on September 23, 2006.

Per a letter from Stantec dated January 25, 2007, all previous comments have been addressed.

The planning staff recommends approval of the subdivision plan with the following conditions to be fulfilled prior to signing of the plan (unless otherwise specified):

1. List all waiver(s), including date, if granted on Sheet 1;
2. The owners and/or applicant shall sign all applicable plan sheets. The Licensed Land Surveyor and Certified Engineer shall also sign and seal all applicable plan sheets;
3. The plans shall be modified and reviewed by DPW per latest drawings from True Engineering dated January 18, 2007;
4. Satisfactory resolution of remaining comments in a letter dated December 11, 2006 from the Merrimack Village District;
5. An updated Water Connection permit to be received and noted on the Cover Sheet & Note 17, Sheet 6;
6. Prior to start of construction, estimates approved by the Planning Board for bond and escrow amounts in 7-9 below;

7. Prior to start of construction, posting of a bond in an amount approved by the Planning Board to guarantee the connection of Grapevine Road into Bedford, removal of the bulb of the cul-de-sac and loaming/seeding the disturbed areas;
8. Prior to start of construction, posting of a bond in an amount approved by the Planning Board to guarantee construction of the multi-purpose field, play ground, fitness & hiking trail and 2 workout stations;
9. Prior to start of construction (including implementation of erosion control), placement of funds in escrow sufficient to cover the Town's third party inspector (at the developer's expense) to monitor all public improvements, including installation of erosion control, flagging & certification of the proposed limits of tree clearing along the south boundary of Detention Pond #1;
10. Review and approval of all legal documents by the Board's Legal Counsel at the applicant's expense. Upon approval, final executed documents shall be submitted for recording at the Registry of Deeds;
11. Submit an executed deed, satisfactory to the Board's Legal Counsel, for Grapevine Road and Kendall Court as well as new deeds for 7D Lots 10 & 11 (reflecting the lot line adjustment);
12. Per Stantec memo dated July 7, 2006, submit a revised waiver letter noting Grapevine as a temporary cul-de-sac rather than a dead-end;
13. The inclusion of a Lot Line Adjustment plan acceptable to the Registry for recording, depicting area of Parcel "A" to be incorporated into 7D Lot 11;
14. Add a note to the plan stating that the construction of all recreational amenities to be completed prior to the issuance of the certificate of occupancy for Unit 12;
15. Address all technical comments from the planning staff as outlined in the February 16, 2007 staff memorandum;
16. Submission of road bond estimates for Kendall Court & Grapevine Road;
17. Note on plan regarding possible future removal of cul-de-sac;
18. Show the missing drainage pipe leading from Catch Basin 10.

Planning Staff Technical Comments

1. Revise Note 5, Sheet 4 to read 25 sheets;
2. Label and note proposed disposition of 2 rectangular shapes on south side of Grapevine at entrance to Pearson Road (Sheet 5);
3. Revise Note 3, Sheet 5 to read “Wetland Buffer”, rather than “Stream No Disturbance”;
4. Label True North on all plan sheets;
5. Correct Match Lines on Sheets 5, 6, 7, 9, & 10;
6. Relocate portions of the hiking trail to outside the limits of the 25 ft. wetland buffer;
7. Shift block of text for outlet structure #1, etc. to reveal proposed contours for Detention Pond;
8. Per Article 4.06.1 (q) of the Subdivision Regulations, snow storage areas to be designated by location on plan;
9. Move the Overall Phase Plan to be the new Sheet 4, re-number all subsequent plan sheets and make necessary changes to Cover Sheet;
10. Remove “of” in Resource List under Planning on the Cover Sheet.

fewer parking spaces than required for the site, subject to submission of a revised plan showing the location of all required parking spaces if needed to meet future demand.

The plan was approved, with conditions (see below), to be fulfilled prior to signing of the plan (unless otherwise specified) by a vote of 4-2, on a motion made by John Segedy and seconded by Pete Gagnon. Pete Gagnon and Stanley Bonislowski voted in the negative.

1. Note date of waiver(s) if granted in Notes 1 & 2, sheet C-1;
 2. The owners and/or applicant shall sign all applicable plan sheets. The Licensed Land Surveyor and Certified Engineer shall also sign and seal all applicable plan sheets;
 3. Add the Architectural Elevations, including proposed renovations to the remaining portions of the existing building as presented this evening to the plan set and note in Index. All demo brick to be retained/re-used on site;
 4. Show/Note limits of proposed sidewalk easement at entrance where walk will be constructed on applicant's property;
 5. Submit draft copies of all proposed easements to Community Development for review/approval by the Board's Legal Counsel. Upon approval, final executed documents shall be submitted for recording at the Registry of Deeds;
 6. Submit a copy of the applicant's lease information, conveying access rights to allow other tenants to pass over the leased area for review/approval by Board's Legal Counsel;
 7. Add a note to Sheet C-1 restricting delivery times to those hours while the pharmacy is not in operation;
 8. Add a note to Sheet C-1 stating that, prior to issuance of the Building Permit, responsibilities and scheduling for construction of sidewalk and related public improvements along the site's frontage and vicinity shall be resolved. The applicant shall submit a payment in lieu of construction for the sidewalk in an amount acceptable to DPW;
 9. Address all technical comments from the planning staff as outlined in the February 14, 2007 staff memorandum;
 10. Satisfactory review and approval by the Merrimack Village District;
 11. Show layout of 24 future parking spaces as presented to Board in the VHB sketch plan dated 2/19/07;
 12. Add note to plan re: hours of operation (8 a.m. – 10 p.m., 7 days/week);
 13. Existing Cross Easements to neighboring properties be submitted.
- 5. Greenfield Farms Phase XII – Review for possible final approval of an application proposing subdivision of 27+/- acres into a 24-lot Cluster residential subdivision, 2 open space lots, and the consolidation of a newly created non-buildable lot into an abutting parcel. Parcel lies within the R-Residential District, and the Aquifer Conservation District, located at 70 Pearson Rd. Tax Map Parcel 7D/010.**

Attorney Michael said a sidewalk waiver is being sought because the applicant feels that a sidewalk on one side of the street is sufficient due to anticipated low traffic volume of the road and since the Bedford end of the road will not have a sidewalk. A waiver of the

cul-de-sac regulation is being sought because a revised plan shifted the driveways so that no drive would be located at or beyond the 1,200' limit from Pearson Road.

Brian Pratt, P.E., True Engineering, said DPW agrees to the Sag K-Value waiver. The applicant incorporated a 50' platform and withdrew the original waiver request. A 40-K value would be 20-30' below grade and require extensive blasting and degradation of wetlands. This is a stop condition; there would be no high-speed traffic.

Attorney Michael reviewed the conditions imposed by the Planning Board on June 20, 2006: 1) Provide more detail regarding lot 7D/011 and the lot line relocation; 2) Provide owner authorization of lot 7D/011; 3) Add area calculations to plan for wetlands and steep slopes as part of density calculations in a cluster development; 4) Additional information on plan regarding how this development connects to the Bedford phases; 5) Additional recreation facilities. More detail was added to the density calculations by adding the total wetlands and steep slopes to the open space on the plan. A sheet was added to show overall development, including that in Bedford. Recreational facilities in the open space would be comprised of a 75'x100' multi-purpose field with workout stations, a playground, a fitness trail on the north, and a hiking trail on the south. The larger lot is identified on the overall development plan. A temporary cul-de-sac would be added at the end of Grapevine Road if the Bedford portion were not built on time. The project would be split into two phases, of which this is Phase 1.

Attorney Michael answered Planning Board questions. The condominium association would own the open space and amenities. The Merrimack condominium association would be separate from the Bedford condominium association, as noted on the plan. The developer would install playground equipment. The field would have a standard surface. Since the water would run off, there is no irrigation plan. There would be a small wetland impact (1,200 square feet) in the front. The Department of Environmental Services granted a site-specific permit. The site would be serviced by water and sewer. The Waste Water Department is satisfied. The MVD had minor comments to which the applicant replied. Attorney Michael described the closed drainage system and treatment swale. A bond would be posted to remove the cul-de-sac and loam and seed the disturbed area if Bedford builds a connection to their road. A note will be placed on the plan noting that the Town of Bedford approves the arrangement. A 42' pavement allows room for a school bus to turn around. There would be access to the wetland at the cul-de-sac, at the entrance to the field and from every house lot. A note to correct the plan will show a drainage pipe leading from catch basin 10.

John Segedy felt that this is a much better plan than what the Planning Board saw previously.

Nancy Larson said that staff recommends approval with conditions (see below).

Attorney Michael saw no necessity for Condition 11, to submit a deed for Grapevine Road and Kendall Court, since the Town of Merrimack does not require deeds to roads. Walter Warren said that DPW and the Office are studying the issue.

There was no public comment.

On a motion made by John Segedy and seconded by Stanley Bonislowski, the Board voted 6-0 to grant a waiver of Section 4.20.2 of the Subdivision/Site Plan regulations to permit a sidewalk on only the north side of Grapevine Road and the east side of Kendall Court.

On a motion made by Pete Gagnon and seconded by John Segedy, the Board voted 6-0 to grant a waiver of Section 4.12 (c) of the Subdivision/Site Plan regulations to permit a 1,398 foot long cul-de-sac.

On a motion made by Pete Gagnon and seconded by Stanley Bonislowski, the Board voted 6-0 to grant a waiver of Section 4.12 (b) of the Subdivision/Site Plan regulations to permit a "Sag K" value of 10.

The plan was approved, with conditions to be fulfilled prior to signing of the plan (unless otherwise specified) (see below), by a vote of 6-0, on a motion made by John Segedy and seconded by Carol Morrison.

1. List all waiver(s), including date, if granted on Sheet 1;
2. The owners and/or applicant shall sign all applicable plan sheets. The Licensed Land Surveyor and Certified Engineer shall also sign and seal all applicable plan sheets;
3. The plans shall be modified and reviewed by DPW per latest drawings from True Engineering dated January 18, 2007;
4. Satisfactory resolution of remaining comments in a letter dated December 11, 2006, from the Merrimack Village District;
5. An updated Water Connection permit to be received and noted on the Cover Sheet and Note 17, Sheet 6;
6. Prior to start of construction, estimates approved by the Planning Board for bond and escrow amounts in 7-9 below;
7. Prior to start of construction, posting of a bond in an amount approved by the Planning Board to guarantee the connection of Grapevine Road into Bedford, removal of the bulb of the cul-de-sac and loaming/seeding the disturbed areas;
8. Prior to start of construction, posting of a bond in an amount approved by the Planning Board to guarantee construction of the multi-purpose field, playground, fitness and hiking trail two workout stations;
9. Prior to start of construction (including implementation of erosion control), placement of funds in escrow sufficient to cover the Town's third party inspector (at the developer's expense) to monitor all public improvements, including installation of erosion control, flagging and certification of the proposed limits of tree clearing along the south boundary of Detention Pond #1;
10. Review and approval of all legal documents by the Board's Legal Counsel at the applicant's expense. Upon approval, final executed documents shall be submitted for recording at the Registry of Deeds;
11. Submit an executed deed, satisfactory to the Board's Legal Counsel, for Grapevine Road and Kendall Court as well as new deeds for 7D Lots 10 and 11 (reflecting the lot line adjustment);
12. Per Stantec memo dated July 7, 2006, submit a revised waiver letter noting Grapevine as a temporary cul-de-sac rather than a dead-end;
13. The inclusion of a Lot Line Adjustment plan acceptable to the Registry for recording, depicting area of Parcel "A" to be incorporated into 7D Lot 11;
14. Add a note to the plan stating that the construction of all recreational amenities to be completed prior to the issuance of the certificate of occupancy for Unit 12;

15. Address all technical comments from the planning staff as outlined in the February 16, 2007, staff memorandum;
16. Submission of road bond estimates for Kendall Court and Grapevine Road;
17. Note on plan regarding possible future removal of cul-de-sac;
18. Show the missing drainage pipe leading from Catch Basin 10.

6. Discussion and possible action to send proposed amendments to the Subdivision Regulations to Public Hearing

The Planning Board reviewed the third draft of the proposed rules and regulations for granting a conditional use permit and suggestions from Gordon Leedy, Managing Director, Vanasse, Hangen and Brustlin; Concerned Citizens of Merrimack Association (CCMA), and Legal Counsel. Chairman Disco suggested a meeting with Walter Warren and Taintor to coordinate all drafts and return to the Planning Board with a coherent document.

Gordon Leedy, VHB, made the following suggestions and statements:

13.07.2(g), Proposed Site Development Report: It is highly unlikely that a building would be LEED (Leadership in Energy and Environmental Design) certifiable because of the characteristics of the site. Chairman Disco noted that it is not contained in any other ordinance. The Board agreed to its removal.

What level of detail would be appropriate for 13.07.3, Traffic Impact Assessment Report? There are too many overlapping criteria. The document should be used as a directive. Section headers should be retained, but details should be removed and not made into regulations.

13.07.5(6), Environmental Impact Report, should eliminate the phrase concerning adverse impact because it means performing an extensive storm water study beyond the site to determine the impact of a 100-year storm. That is not standard practice. Proposed new language would be, "Evaluate the 100-year storm event and design storm water management systems to avoid increase of peak rates of discharge from the property after development.

13.07.5(7), Environmental Impact Report, should eliminate language concerning ground water recharge. Gordon Leedy warned against creating standards that cannot be met. It is fine to maximize recharge and infiltration, but no other development proposal would be held to that unreasonable standard. Proposed new language would be, "The applicant shall consider all practicable methods for preserving ground water recharge capacity, including collection, treatment and recharge of runoff from roofs, roadways and surface lots."

There is no objection to including fiscal and environmental details, which are less subject to professional judgment about what to include, whereas traffic details have overlapping standards from different agencies and professionals and too many nuances. Although the applicant would probably have to comply with the details listed currently, they should not be regulations. Taintor and Associates experts rather than the Planning Board should review the details.

Walter Warren said that the professionals and the staff would meet to generate a draft scope to bring to the Planning board. Everything would be made public.



TOWN OF MERRIMACK CD
2009 NOV 11
TOWN OF MERRIMACK, NH
6 Baboosic Lake Rd · Merrimack, NH 03054 · www.merrimacknh.gov

RED FILE

October 22, 2009

Mr. Nelson Disco
Planning Board
Town Of Merrimack, NH

Re: Greenfield Farms – Phase XIV

Dear Mr. Disco:

Greenfield Management has applied to the Merrimack Planning Board for a final approval of Greenfield Farms – Phase IV. I have concerns about the approach to provide sewer to the development and the proposed pump station and associated 3000 foot force main that would send flow to the Town owned Pearson Road Pump Station.

The proposed conceptual plans by Greenfield Management are inconsistent with the sewer master plan (Hamilton Plan). There are, at this time, limited funds in the Town's Sewer Line Extension Capital Reserve Fund. And, there are no immediate plans, by the Town, to construct the proposed gravity line down Wire Road. However, this should not provide exclusion for Greenfield Management from conforming to the basic guidelines of the Plan. I have listed the article from the Sewer User Ordinance (revised 2008).

ARTICLE II
Allocation Policy

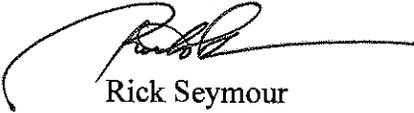
- Sec. 1 **Requests for allocations and connections:** All requests for sewer connections and sewer allocations for proposed developments shall be referred to the Director of Public Works. The Director shall evaluate the request within the parameters established by the *Facilities Plan for Interceptors and Trunk Sewers "Hamilton Study"*, dated February 1977, with amendments. The Director may request of the applicant projected construction phasing and implementation of requested allocation schedules. The Director may make aforementioned schedules a condition of approval of allocation requests.
- Sec. 2 **Grant or Referral of Requests:** After proper evaluation, the Director of Public Works may grant sewer connection and allocation. In the event that the sewer allocation request falls outside the parameters as described above, the Director of Public Works shall refer the request, with his recommendation, to the Town Manager.

If Greenfield Management is able to adequately demonstrate that the Plan is inappropriate for this development, then the DPW would review the proposed plan for the pump station and force main. Even if this was the case, we have not been presented with sufficient information or detailed plans on the proposed design for the pump station and force main by Greenfield Management. Without this information we could not comment appropriately on the proposal. As with all plans, we will be examining them to determine if they meet Town design specifications and also any requirements under the EPA mandated CMOM program.

If Greenfield Management is able to demonstrate that the Plan is inappropriate and if we are able to approve the proposed sewer system in that it meets design specifications and CMOM requirements, we must then determine if the system should be considered public or private. At this time, we are not convinced that the potential acceptance of the pump station and force main, as a public system by the Town, is in the best interests of the Town. With any addition to the existing sewer infrastructure, there are significant related long term costs for maintenance and the eventual replacement of the entire system by the Town. Future rate payers will bear the burden of these costs. The proposal by Greenfield Farms to provide access to approximately 65 additional homes as an offset to the Town's financial impact of owning the pump station and force main has not been quantified by the applicant.

I am available to discuss this matter at your convenience.

Sincerely,



Rick Seymour
Director, DPW

Cc: James Taylor, Assistant Director of Public Works, Wastewater
Keith Hickey, Town Manager
Don Hamel, Sewer Inspector
Walter Warren, Community Development Director

MEMORANDUM

Date: November 9, 2009
To: Nelson Disco, Chairman, & Members, Planning Board
From: Nancy Larson, Planning and Zoning Administrator
Jeffrey Morrissette, Assistant Planner
Subject: Swenson/Green Field Farms, Phase XIV
155 Wire Road
Pre-Submission Discussion of Pump Station Alternative
Tax Map Parcel 7C/028

Greenfield Management recently withdrew an application for final approval of Greenfield Farms – Phase XIV per Staff recommendation to work out issues regarding the proposed pump station with the Department of Public Works (DPW). DPW has since responded and provided comments via correspondence to Planning Board dated October 22, 2009 to facilitate the Pre-Submission Discussion for this alternative.

Staff offers the following comments:

Insufficient information relating to the proposed pump station and force main was provided by the Applicant to DPW to render appropriate, detailed comments.

The proposed pump station and force main alternative is inconsistent with the Hamilton Sewer Master Plan.

The DPW does not support the proposed pump station and force main alternative. Please see attached correspondence from DPW.

CC: Dana Finn – Greenfield Management
Gregory Michael – Wiggin & Nourie
Brian Pratt - CLD

widening, the Department of Environmental Services (DES) did not. More planning and a deeper trench were required. The State is slow to review each proposal and respond to interagency requests. The applicant submitted the plan to the Town two months ago and will submit the revised the drainage plan when the State approves, but wants more time to allow for a final conclusion. It is a difficult situation.

Alastair Millns wondered how the State can build a bridge abutment on the site if it does not know where the water will go and asked why another six-month extension is necessary. Attorney Michael explained that the applicant does not even have final written authorization for the drainage yet and is working on verbal authority only. Staff has yet to study the plan.

Alastair Millns read from the October 30, 2009, letter from Deputy Public Works Director Dave Lent. Alastair Millns asked why is there a delay if the project has been accelerated dramatically because of federal stimulus money for the Manchester Airport Access Road. Deborah Brewster said she met with the Department of Transportation (DOT) a year ago about its agreement with the Town. DOT asked for an additional 17' from the edge of the applicant's property, where the detention basin would have been. However DOT would not allow the basin because of the impact on possible development/improvement outside the Airport Access Road. So the basin was moved beyond the 17'. The applicant agreed to try to adhere to DOT's request for a 14'-wide rather than a 12'-wide center turn lane, but DES would agree to a wetland impact only if the applicant would make a \$62,000 payment. DOT spoke to DES over a period of months. DOT agreed to 12'. Plans were submitted to DOT in late spring. After the stimulus package was approved, DOT approved the layout, which took over a year. DOT will lower the drainage swale if it is moved out of the 17' area. However the ditch was not lowered. The choice is either to lower it by 1' or to install alternative drainage. It is not known what drainage DOT wants. The process will take at least eight weeks, but that cannot be promised. The applicant has been more than cooperative. The problem is the impact of possible future development on parcels to the north. DPW is satisfied.

Stanley Bonislowski preferred a six-month rather than a six-week extension to avoid yet another request for extension. He and Chairman Disco agreed that the State rather than Tedeschi is the holdup.

There was no public comment.

The Board voted 7-0-0 to grant a six-month extension, on a motion made by John Segedy and seconded by Tom Koenig.

- 5. Swenson/Greenfield Farms Phase XIV – Pre-Submission Hearing to discuss options for a sewer pump station relative to a proposed Cluster Residential Development, located between Wire Rd. and Pearson Rd. along the Bedford town line, with an address of 155 Wire Rd. Tax Map Parcel 7C/028.**

Chairman Disco announced that the application was withdrawn.

- 6. EMS Properties, LLC/CarePlus - Review for Acceptance and consideration for possible Final Approval of a request for waiver of full site plan review and to amend a previously approved site plan by allowing the construction of expansion parking to accommodate 15 additional parking spaces. Parcel is located at 4 Center St. and lies**



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: June 11, 2014

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

From: Donna Pohli, Assistant Planner

Subject: **Greenfield Management, LLC. (applicant) and Allan M. Swenson Real Estate Trust and Barbara J. Swenson Real Estate Trust (owners)** - Pre-Submission hearing to discuss the conceptual sewer design options within the proposed Greenfield Farms Phase XIV subdivision. The parcel is located on Pearson Road within the R (Residential), Aquifer Conservation Districts and 100 and 500 year Flood Hazard areas. Tax Map 7C, Lot 028.

Background/History:

The applicant requests a pre-submission hearing to discuss a proposed 43-lot cluster subdivision, specifically regarding a conceptual force main sewer connection. The proposed project is in the R (Residential), Aquifer Conservation, and Flood Hazard Conservation Districts.

The existing parcel contains 95.726 acres according to the assessing database. The subject property is bounded by the Bedford town line to the north, surrounded by residential properties in Merrimack and has Baboosic Brook/Riddle Brook running through the middle of the property in the east-west direction.

The applicant supplied the Planning Board with a plan in 2010 which had the sewer line cross through the flood plain. The 2010 plan stated there were 42 lots in the cluster subdivision and that the sewer line would impact flood plain, but allow for other properties, outside of the proposed subdivision, to be able to tie in, if so desired. The Department of Public Works rejected this plan in 2010 as it did not follow the Hamilton Study recommendation that a gravity sewer be used in this section of Town. Options acceptable to the Town were noted in a Wright Pierce memo (see attached copy dated November 10, 2010).

In December 2013, the applicant brought the current plan in seeking Staff's opinion. The applicant's narrative states that there are 43 lots in the subdivision and that the proposed sewer line does not cross the flood plain like the 2010 plan did. The plan also proposes to allow future sewer connections for portions of the Whispering Pines subdivision as well as for properties on Bryant Court and Jason Lane. According to the applicant's narrative, "the conceptual force main would connect the subdivision via a private pump station to the sewer line at Windover Lane using existing Town rights-of-way."

The DPW rejected the plan in January 2014, explaining that it does not follow the Town's new Sewer Master Plan (please see sections 3-19 and 3-20 attached), included a force main that was difficult to maintain, lack of sewer line capacity, odors and other issues (see attached letter of January 13, 2014 from DPW). The applicant resubmitted the same 2013 plan for the Planning Board to discuss this month.

The Fire Marshal, Captain Manuele, has reviewed the most recent proposed plan as well and notes the same conditions as his review in 2006 and 2010 that fire hydrants and street names for the subdivision must be shown on a final plan and approved by him to ensure that the design is fully compliant with local, state, and nationally recognized codes.

At this point, comments from the Conservation Commission and MVD have not been received.

cc: File, Correspondence
Allan M. Swenson Real Estate Trust
Barbara J. Swenson Real Estate Trust

ec: Dana Finn, Greenfield Management, LLC., Applicant
Chris Aslin and Greg Michael, Bernstein-Shur
Brian Pratt, CLD Consulting Engineers
Captain John Manuele, Fire Department
Rick Seymour, Kyle Fox, Public Works Department
Jim Taylor, Ken Conaty, and Roger Descoteaux, Waste Water Division
Fred Kelley and Carol Miner, Building Department
Ron Miner, MVD

Tim Thompson wanted the opportunity to contact Arnett and Fougere to be sure they agree and suggested continuance until July 2014. Nelson Disco wanted to see the phasing plan and that it would have a continuous positive impact. Tim Thompson wanted the consultants to break down each component in the analysis to see each one's impact. Robert Best wanted to see that the retail and residential would balance and to be sure the commercial component would be built. He did not want the applicant to return years later requesting to eliminate one component. Tom Koenig agreed. Mixed use is the intent. There should not be just a residential use in an industrial area. The Master Plan wants all uses. Alastair Millns agreed that the Planning Board should not be involved in the shared driveway issue. The applicant has the right to use it. Nelson Disco added that the rights were sold along with the property. He and Robert Best liked the one-way entry. Robert Best said this is the second entry because DOT will not make another curb cut.

The Planning Board agreed that, before the July 22, 2014, meeting, the financial experts should meet Tim Thompson to discuss fiscal impact and the applicant should submit a phasing plan and a plan for fencing and buffering.

The Board voted 7-0-0 to continue this item to July 22, 2014, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.

- 5. Mark Botnick of MLV, LLC. (applicant/owner)** – Pre-submission hearing to discuss an interim use of an existing golf driving range, parking lot and office for a drop off car and delivery service to and from Manchester airport. The parcel is located at 768 D.W. Highway in the I-1(Industrial) and Aquifer Conservation Districts. Tax Map 7E, Lot 040.

Mark Botnick, 768 D.W. Highway, wants to make practical use of his property while deciding on a long-term use. A small van will take people to and from the airport. Cars will use the 65-space paved parking lot. The golf range will probably not exist next spring. If more parking is needed, it will be moved elsewhere. Perhaps 10 spaces will be used for golf, but both uses will probably not co-exist. The airport business may become the only business. The sign will be replaced. Mark Botnick is no longer interested in the car wash. Alastair Millns told Mark Botnick to decide the hours of operation and to have someone on site when flights take off and land. Mark Botnick said there would be no fence. There is a large setback and the office will hold car keys. The 13-acre site is special and Mark Botnick does not know what to do with it in the future. There are restrooms on the property. Donna Pohli stated that a variance from the ZBA would be needed because the Ordinance is silent on commercial parking lots in the I-1 (Industrial) District. Stanley Bonislowski said there should be lighting on the cars and that the applicant should be able to jumpstart vehicles that sit on the lot for a while. Mark Botnik has lights and will keep them on. Robert Best said there should be no rental cars on the property. The Board agreed that the applicant could request a waiver of full site plan review, should he secure the required variance.

- 6. Greenfield Management, LLC. (applicant) and Allan M. Swenson Real Estate Trust and Barbara J. Swenson Real Estate Trust (owners)** - Pre-Submission hearing to discuss the conceptual sewer design options within the proposed Greenfield Farms Phase XIV subdivision. The parcel is located on Pearson Road within the R (Residential), Aquifer Conservation Districts and 100 and 500 year Flood Hazard areas. Tax Map 7C, Lot 028.

Donna Pohli informed the Board that the Public Works Department (PWD) rejected the plan in 2010 because it did not follow the Hamilton Study recommendation and rejected the plan currently before the Board in January of this year.

Attorney Greg Michael, Bernstein Shur, said his client built a line to the Pearson Road pump station years ago. The PWD is concerned that it would not mesh with the old Hamilton Master Plan, which was done in the 1970s to receive federal funding for sewers. Such funding no longer

exists. Private developers now build most sewers in Merrimack. Attorney Michael presented the history of the design. The new Sewer Master Plan priorities do not include the Greenfield area. Attorney Michael met with staff. Greenfield will also provide a sewer for other subdivisions. The alternatives suggested by PWD at a cost of approximately \$2 million are prohibitive. One small pump would not be a disaster for the Town sewer system. This property does not have an uphill slope for a gravity sewer. Attorney Michael rebutted PWD's concerns about the Sewer Master Plan, a force main that was difficult to maintain, lack of sewer line capacity, odors and other issues. There are no odor problems. The plan is good for the Town because the applicant will give the area with septic problems a sewer instead.

Attorney Michael opined that the Planning Board has the authority to make the decision.

Brian Pratt, CLD Consulting Engineers, explained the plan. He revised the original plan to meet PWD's objections. A longer force main will go through the development to Whispering Pines Lane to the Town right-of-way and down Pearson Lane to a manhole on Windover Lane. That will solve the odor problem because the system will no longer pump to the Pearson Road pump station. It will no longer be in the wetlands or in the floodplain, so there is no need to construct gravel driveways. Deeper sewers will connect neighboring subdivisions and more manholes will be added, so there is no need for interceptor sewers. Another 58 homes can be tied into the manholes.

Attorney Michael doubted the Town would spend \$2 million to do what the PWD wants. This proposal benefits the Town. These service areas are not in the Sewer Master Plan. There will be no more septic system failures. The sewer will work well and benefit the areas beyond the applicant's boundaries.

Brian Pratt explained the siphon that PWD wants constructed. PWD's estimated cost is \$78,000, whereas his cost is \$566,000. Attorney Michael and Brian Pratt explained why the prices are not comparable, contradicting PWD.

Michael Redding asked how it was decided to draw the Sewer Master Plan line. Brian Pratt said it is because of the flat elevations and from available information. Michael Redding asked whether it is more cost effective because the applicant need not dig so deep. Brian Pratt agreed. Michael Redding asked whether a capacity analysis was done. Brian Pratt said that 58 homes represent a small amount of flow that will not overtax gravity pumps downstream. Brian Pratt said the pump station was originally built to connect to this development. Michael Redding characterized the issue as proper engineering vs. cost effectiveness.

Noting that the Planning Board has seen a number of pieces, Stanley Bonislowski wanted to see the development finished. Attorney Michael said this is the last piece.

Public comment

Darby Coss, 38 Brenda Lane, sent an e-mail opposing the development for reasons she submitted in the past and encouraged the Town to follow the intent and letter of the established guidelines for sewer systems with no exception from the regulations. Nelson Disco wanted to know her reasons. Alastair Millns said that Brenda Lane is far away. He never understood Darby Coss's reasons. Darby Coss did not want to be forced to connect to the sewer. Tim Thompson said it is a state law. Attorney Michael said that is only if the system fails.

Phil Knotts, 127 Wire Road, has a septic system. He accused Greenfield of shoehorning as many residences into the parcel as possible. His concern had been that children are going to cross Baboosic Lake to the common area and asked if that were still the case.

Director of Public Works Rick Seymour said the 2010 plan was rejected for several reasons: The new plan did not fit the Sewer Master Plan because of the siphon at Bramber Lane, because of

the gravity sewer and because the force mains would cross the Town right-of-way. It is not good to mix private lines and a public right-of-way.

Assistant Director of Public Works Jim Taylor listed developers who have extended long sewers consistent with the Sewer Master Plan. Land uses have changed and the PWD developed a new plan. PWD decided that large lot sizes that can support a septic system would not be included. Greenfield can be tied into Section 5 consistent with the Sewer Master Plan. PWD can work with different alternatives that are consistent with the Plan. The Ordinance requires the PWD Director to base allocations on the Master Plan.

Tim Thompson stated that the Planning Board could not override the Director of Public Works. Rick Seymour read out the Sewer Ordinance giving the Director authority to set allocations and connections according to the Sewer Master Plan. What falls outside those parameters can be referred to the Town Manager. Tim Thompson agreed, but stated that the Planning Board can review the decision. PWD and the Wastewater Division have to approve a plan before it goes to the Planning Board.

Michael Redding asked if there is merit to the applicant's design. Rick Seymour said it is a unique situation: In 2010, the Town paid a consultant, Wright-Pierce Engineering, to provide options. The consultant's cost benefits Town residents. Wright-Pierce estimates costs all the time. Their estimates and the applicant's are essentially a wash. Tom Koenig asked if anything in the applicant's proposal is flawed. Rick Seymour said it would work, but there are better components to utilize (e.g., balance of gravity sewer vs. force main). A gravity sewer will last a long time and is easier to maintain than force mains. Jim Taylor said a long force main is difficult to clean and maintain. A gravity sewer is also less expensive and easier to monitor. There is no plan to install sewers in this area.

Tom Koenig asked what an allocation is. Rick Seymour said it is what adjoining properties (e.g., around Windover Lane) might need to connect when a sewer is installed. PWD does not want to give away all the capacity. Allocation should be as fair as possible. Tom Koenig asked whether Windover Lane is a concern. Jim Taylor replied that Wright-Pierce ran a hydraulic analysis on the whole system to identify problems, then looked at the impact of build-out on another development in that part of Town. This development was not considered for the Pearson Road pump station. Robert Best said the applicant claims the pump station has much more capacity and was built for 900 homes. Tom Koenig said that someone must have looked at the hydraulics when designing something that large. Jim Taylor opined that they looked at what was proposed in that area. There are no concerns downstream.

Attorney Michael said that the Pearson Road pump station was built to handle all of the Greenfield Farms development. There were never any problems. The Sewer Master Plan has no other plans for it. There is enough capacity to make it work. PWD wants the applicant to build the line in Area #5; they will not do it and no one else will. If PWD thinks they can build a siphon for \$78,000, Greenfield will give PWD that amount. PWD is holding up Greenfield. Allocation usually decides whether there is capacity rather than the location of pipes. It is the Planning Board that decides the latter. PWD does not understand the facts or the capacity. If Greenfield does not build the PWD system, no one will because no one can afford to do it. This project will work and will provide sewers for homes that would not ever get it otherwise. Why base a decision on a 2010 plan that precedes the Sewer Master Plan? The prior Public Works Director had no problem with this plan. Greenfield overbuilt the pump station to make it work. Stanley Bonislowski said he was always told that the pump station is not big enough for that large field. Attorney Michael reiterated that the system could handle 900 homes. Brian Pratt said Greenfield is not going to pump to Pearson Road. He will verify the capacity.

Robert Best wanted legal advice about who has authority to decide the issue. Alastair Millns said that someone must know the capacity of the line between Pearson Road and Windover Lane. Robert Best said the Board needs reliable numbers about costs and whether the PWD and Greenfield figures are comparable. He said the applicant wants to install sewers because a cluster plan has large open space. Otherwise he could build a grid plan with septic systems. Michael Redding wanted advice about who should make the decision before asking the applicant to do an engineering analysis. Nelson Disco differed; whoever decides will want to know if Windover Lane can handle the system. Robert Best would support PWD if the costs are comparable.

William Hebel, 153 Wire Road, said the plateau is 15'-20' above his property. He is concerned about runoff.

Jesse Fraser, 142 & 144 Wire Road, asked how sewage would get over the river to Windover Lane. Brian Pratt said the Town right-of-way crosses the Brook. He will do a directional drill under the Brook. Jesse Fraser said the homes on Bryant Circle are 24' below Wire Road. Brian Pratt said he would install a sewer manhole in the center of Wire Road and optional mini-pump stations for any homes whose systems fail. The cost would be \$3,000-\$4,000 per home/station. There are still two exits. A traffic study was done. Robert Best said those issues would be discussed at the design stage.

7. Public Hearing – Zoning Ordinance Amendments (Sections 1.03, 2.02.3, & 2.02.4(B)) related to Self-Storage Facilities

Tim Thompson explained that the ZBA made all existing self-storage in the Industrial zone non-conforming when it ruled on an administrative decision. The proposed Amendments would resolve that issue.

There was no public comment.

The Board voted 7-0-0 to recommend approval to the Town Council, on a motion made by Alastair Millns and seconded by Stanley Bonislowski.

8. Public Hearing – Subdivision Regulations Amendments (Section 7.03.E – Table 1) related to parking for Self-Storage Facilities

Tim Thompson explained that the Amendments revise the number of spaces required per unit for internal self-storage facilities to 1 @ 250 and two for employees. Such facilities generate little traffic. The number is consistent across the country, according to his research. All facilities will now be in compliance and will not need waivers.

There was no public comment.

The Board voted 6-1-0 to adopt the amendments, on a motion made by Alastair Millns and seconded Nelson Disco. Tom Koenig voted in the negative.

9. Discussion/possible action regarding other items of concern

Michael Redding asked the status of the survey of the school bus stop at Madeleine Bennett Road, which Tim Thompson said has been done and will be ready by the end of the week. The preliminary feedback from PWD is that the stop has zero impact.

Tim Thompson announced that Highway Safety Committee voted 5-4 to endorse the intersection design at Madeleine Bennett and Old Blood Roads. He asked whether the Planning Board still wants a third party consultant to review safety at the intersection. If so, he will have to hire someone other than CLD, since one of the Highway Safety Committee members who voted on