



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, FEBRUARY 19, 2019

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

Planning Board members absent: Michael Redding, Lynn Christensen, Dan Ricker, and Neil Anketell

Staff present: Planning and Zoning Administrator Robert Price and Recording Secretary Zina Jordan

1. Call to Order

Robert Best called the meeting to order at 7:02 p.m. and designated Nelson Disco to sit for Michael Redding.

2. Planning & Zoning Administrator's Report

None

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

Items in the 2010-2025 Capital Improvement Program (CIP) are roofing and paving/drainage at Masticola Elementary and Upper Elementary Schools; paving/sidewalk at O'Gara Drive; paving drainage at O'Gara/McElwain parking lots and O'Gara Drive; SAU office consolidation; bleacher upgrade at Masticola Upper Elementary School and Smith Gym; boilers at Masticola Elementary School, Upper Elementary School and High school; window replacement at the High School; and High School field upgrade and technology infrastructure upgrade.

Matt Shevenell, Assistant Superintendent for Business, explained the proposed capital improvement items. A 40-50-year warranty will offset the higher roofing cost. All roofing projects would be finished by 2026-2027 with nothing having to be in the CIP for 15 years after that. Marge Chiafery, Superintendent of Schools, wants to re-start the CIP reserve fund for roofs.

Matt Shevenell said options for SAU office consolidation are being studied. The red house that was purchased last year would be removed and used as a possible location for the building. It would be a bond/warrant article for 2020-2021. Fill would be added and a new structure would be built. Marge Chiafery said it would cost more to put an

addition on the high school, as the Planning Board had previously suggested; it is not an option. She intends to hold many meetings to educate the public.

Matt Shevenell said that other projects are intended to improve the safety of the bleachers with rails and aisles and install a more efficient natural gas boiler. Upgrading the field with artificial turf so that students need not practice and play out of town would be on the town warrant.

The Board voted 4-0-0 to rank all Capital Improvement Program items as “Necessary”, on a motion made by Nelson Disco and seconded by Alastair Millns.

4. **John Flatley Company (applicant) & Gilbert Crossing, LLC & John J. Flatley (owners)** – Continued review for consideration of an amendment to a previously approved Mixed Use Development Conditional Use Permit. The parcels are located at 645, 673, 685, 703, and 707 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05, and 003-06. **This item is continued from the January 8 & January 22, 2019, meetings.**

Robert Best recused himself from discussing and voting on this agenda item, and opined that there shouldn't be a quorum issue, as he is still present in the room (see “post-meeting note” below, following consultation with the Town's Legal Counsel). Alastair Millns assumed the chair.

At the January 8 and 22, 2019, meetings, the applicant requested that the Planning Board amend the CUP approval to remove the requirement for a vehicular and pedestrian connection from the residential to the proposed commercial development. Kevin Walker, Project Manager, John Flatley Company, recapped the history and read the relevant sections of the Conditional Use Permit (CUP) and offered to present possible solutions. Pending Board approval, he will meet with the Fire Department.

Kevin Walker stated that the road from the apartments to the commercial component would need to be 2,300' long and 20' wide. There is sufficient vehicular access on D.W. Highway and enough separation so that a full road is not “practical”. Flatley would agree instead to provide a 5'-wide half-mile long gravel pedestrian access and maintain it year-round.

Alastair Millns countered that it is not practical in winter to walk 2,300' to and from the retail component and that the pedestrian walkway does not meet the intent of the CUP. A complete connection is necessary. He repeated his previous suggestion to move the big box slightly east and move the residential and commercial development, which would eliminate the need to build a lengthy road.

Kevin Walker quoted the CUP that the road should be built “to the maximum practical extent”. He offered a second option: to split the project into two separate and unrelated CUPs of 50 acres each, one to the south of the stream and one encompassing the rest of the acreage.

Alastair Millns, noting that option 1 is not acceptable to the Planning Board, suggested that the applicant submit details/conceptual plan for the second option. He also suggested seeking an entertainment venue (go-karts, e.g.) rather than a big box tenant.

There was no public comment.

The Board voted 3-0-0 to deny the amendment to the Conditional Use Permit, on a motion made by Nelson Disco and seconded by Tom Koenig.

Post Meeting note: Since the Board was left without a quorum by the recusal of Robert Best, the Board was without a quorum, and no action of the Board could be taken under the Board's Rules of Procedure and State Law. A new hearing for this agenda item will be noticed for March 19, 2019, unless the applicant chooses to withdraw the application from consideration.

- 5. Merrimack Parcel A, LLC (applicant/owner)** – Review of an amendment to the previously approved mixed use site plan for Phase I of the “Merrimack Park Place” project, proposing an additional 32 multi-family residential units and a modification of 17,000 s.f. of specialty retail and restaurant space into a subsequent phase. The parcel is located at 10 Premium Outlets Boulevard in the I-2 (Industrial) and Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lot 191-02. Case # PB2019-06.

Alastair Millns relinquished the chair. Robert Best assumed the chair.

The Planning Board recently granted conditional approval to an amended Conditional Use Permit to allow this amended site plan application to go forward. This site plan proposes to amend the conditionally approved site plan to allow the construction of 224 multi-family residential units, 16,800 s.f. of retail space, 11,000 s.f. of restaurant space, 42,000 s.f. of professional office space, a 124-room hotel and a 5,000 s.f. conference/event center. To acquire the additional residential units, the originally-proposed first-floor retail and restaurant spaces have been shifted out of the apartment buildings and into a future phase. Additionally, the overall footprint of the buildings has been adjusted to allow for an enclosed parking garage. This revision eliminates the need for the access road's location to be shifted closer to the abutting residential properties. It also removes the parking spaces that were originally proposed between the apartment and the access road. These were two of the largest points of contention from the abutting property owners during the original site plan approval process.

Dave Fenstermacher, Director of Land Development, VHB, listed the changes between the approved plan and the proposed amendment: The space for the first-floor retail/restaurant would now contain apartment amenities; there would be a parking garage rather than surface parking; the road would be moved to its original location; the buffer to the residential area would be maintained; there would be no change in impervious surface for the storm water system. A sewer connection permit is needed. The Water Department comments are straightforward. Dave Fenstermacher and Fire Marshal John Manuele agreed on an easement to provide four-sided access to the building. Dave Fenstermacher submitted materials to the Town for a sidewalk on the

Continental Boulevard access easement. There are really three separate pieces rather than one building. Cutting timber is the trade-off for the Fire Department's access road. Peer review comments have not yet been received. This phase would consist of the retail component, restaurant and sidewalk.

Chairman Best suggested plantings to thicken the woodland buffer. Fire Marshal John Manuele said there is a raised berm in the area.

Tom Monahan, Owner, Merrimack Parcel A, LLC, submitted a sewer and gas easement to the Town for the wedge. He would cut only what he has to for the 20'-wide Fire Department access, which would be 35' away from the parking garage.

There was no public comment.

The Board voted 4-0-0 to continue this item to March 19, 2019, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco.

6. Discussion/possible action regarding other items of concern

Hilton Trust Subdivision requests an extension of its conditional final approval to allow completion of the remaining conditions, primarily the issuance of a NH Department of Transportation (DOT) Driveway Permit.

The Board voted 3-0-1 to grant a six-month extension to the Conditional Final Approval of the Hilton Trusts Subdivision, on a motion made by Alastair Millns and seconded by Nelson Disco. Tom Koenig abstained.

Cota Subdivision/Barbie Court completed many of the drainage structures and siphon improvements. Once the road is accepted, the performance bond would remain in place for an additional two years as a maintenance bond.

The Board voted 4-0-0 to reduce the Cota Subdivision/Barbie Court Performance Bond to \$50,066.78, on a motion made by Alastair Millns and seconded by Nelson Disco.

Greenfield Farms XIV completed many of the improvements to the sewer extension to the proposed subdivision.

The Board voted 4-0-0 to reduce the Greenfield Farms XIV Sewer Extension Bond to \$64,811.15, on a motion made by Nelson Disco and seconded by Alastair Millns.

The Board agreed to cancel the March 5, 2019, Planning Board meeting, since no new applications had been submitted.

Chairman Best informed the Board that Town Council approved the special rate of \$17,000 as dues for the New Hampshire Municipal Association (NHMA) in the proposed Town Budget that will go to the voters in April, and will monitor whether it is worth the investment should the budget pass.

7. Approval of Minutes - February 5, 2019

The minutes of February 5, 2019, were approved as submitted, by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.

8. Adjourn

The meeting was adjourned at 8:48 p.m., by a vote of 4-0-0, on a motion made by Alastair Millns and seconded by Tom Koenig.