



Town of Merrimack, New Hampshire

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, FEBRUARY 20, 2018

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig (arrived 7:40 p.m.), Michael Redding, Paul McLaughlin, and Alternates Nelson Disco and Dan Ricker.

Planning Board members absent: Lynn Christensen and Vincent Russo.

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 7:00 p.m. and designated Nelson Disco and Dan Ricker to sit for the seat vacated by former Board member Desirea Falt and Lynn Christensen, respectively.

2. Planning & Zoning Administrator's Report

None.

- 3. Merrimack Parcel A, LLC. (applicant/owner) – Continued Review for consideration of Final Approval of a site plan application for 372,800 square feet of development including retail, hotel/event center, restaurant, office, multi-family residential uses and associated parking and drainage improvements, in accordance with the Merrimack Park Place mixed use Conditional Use Permit. 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. **This item is continued from the January 2 and January 16, 2018, Planning Board meetings.****

Gordon Leedy, Managing Director Land Development, Vanasse Hangen Brustlin, Inc., placed balloons at the approximate building elevations on the back side for a February 10, 2018, site walk with the Planning Board and neighbors. He has received staff, peer review and departmental comments and has submitted his responses. The revised plans will reflect the comments, most of which are technical in nature.

Screening along the Camp Sargent Acres subdivision would consist of a 100' buffer and a 200' building setback, with added plantings along the access road. In response to Board comments about the lack of visual interest at the rear elevation of Building D, the office/retail building would now match the other sides. There would be some parking on the ground floor of the residential buildings. The landscape plan would include a courtyard in the middle with a gazebo and open space, a sidewalk, and parking on both

sides of the street. The rock/boulder pile existing on the site today would be removed or reconfigured throughout the site. The applicant offered to install evergreens on some of the abutting property owners' properties to add additional screening, in addition to those proposed along the edge of the emergency access road. Three 6'-8' trees would be planted with each owner's permission; the owner would select the variety. The dumpster closest to the Amaral property would be placed in the least obtrusive location, screened and fenced. The access road would be moved 40' closer to the abutters (than exists on the site today), but would still be 120'-130' from the property line. There would be no construction impact in the buffer area. Eliminating the sidewalk along the emergency access road would make room for additional buffer plantings.

The new access road would cut into the grade, but a 4' grade would still separate the buffer grade from the road grade. The slopes would be 3:1 (a 3' grade change), which would allow 25 more parking spaces in the rear and keep circulation off the access road, as the Fire Department requested.

Chairman Best described the site walk that took place on February 10, 2018. Stakes were placed to show the corners of certain buildings and balloons showed their approximate height. The group walked along the access road to its junction with Camp Sargent Road and into the field where building corners or driveways would be located. The group saw how headlights would work in various places and agreed that something must be done to protect the homes on Spruce Street from them. Chairman Best and Gordon Leedy viewed the site from Spruce Street after the walk. The balloons could be seen 2/3 of the way up because the deciduous trees had no foliage.

Gordon Leedy offered to do more planting to help the neighbors (see above). He stated that the developer has the right to erect an office building or industrial facility with no regulations governing height at the site. Comparisons should be made to that rather than to an undeveloped site.

Excess snow would be removed from the site.

The Police Department suggested that a lane be added to the proposed roundabout. Gordon Leedy is confident that the proposed configuration, which is the same as is what is in place as Fidelity, would work well. Sign and lane markings would be added. An extra lane is contrary to the rationale for installing the roundabout, which is to provide traffic calming and to handle high volumes of traffic. Adding a lane would encourage higher speeds and reduce the ability to access the driveway. A three-way un-signalized intersection is not a good option either. A two-lane roundabout would provide for a Level of Service C at all approaches.

Access easements would have to be created for sidewalks that the developer would maintain in perpetuity. Gordon Leedy does not want to make a pedestrian crossing for a theoretical need at Dunkin Donuts/Continental Boulevard, noting that there is no sidewalk on the other side of the street. It is unfair to make it the developer's responsibility if pedestrian traffic is an issue years from now. Instead he offered to put money in escrow for a period of time.

Gordon Leedy is pursuing a revised Alteration of Terrain Permit with the Department of Environmental Services (DES) and a revised Driveway Permit with the Department of Transportation (NH DOT). He has a Wetland Permit for the roundabout and will seek a sign permit. A cross-easement with Merrimack Premium Outlets (MPO) access on Premium Outlets Boulevard would be amended.

The Sewer Department has no capacity issues. The Merrimack Village District (MVD) says it would provide water. As the Merrimack Conservation Commission (MCC) suggested, no salt or chemical de-icers would be used. There would be a limited amount of irrigation.

Tom Koenig arrived at 7:40 p.m.

Chairman Best encouraged the use of drought-resistant and low-impact plants and noted the applicant is required to observe Town “no water” days. He suggested exploring options with the State about a pedestrian crossing on Continental Boulevard at Dunkin Donuts.

The site walk revealed that Buildings A and B are substantial and visible from homes, like a wall. Screening would help. Chairman Best prefers not moving the emergency access road closer to the neighborhood.

Gordon Leedy said that this application is for Phase 1, which consists of two residential buildings with retail on the ground floor, a hotel with retail in it, the access road, adequate parking, and utilities. The developer reserves the right to occupy some buildings before others, although all would be built simultaneously. Phase 2 would consist of an office building and removal of some parking spaces to make way for a parking deck. The plan was changed so the parking deck would no longer be next to the neighborhood. A residential use was placed there instead. The extra parking that is on the plan would be available while the deck is being built and the other parking removed.

There would be no impact on the buffer. Moving buildings 30'-40' south would not have a significant impact on the finished product. Large buildings are allowed in the Industrial District. Four floors of apartments with a gap/pass-through in the center and parking below would be seen from Spruce Street. There would be no balconies. Neighbors would see lights in the windows, but they would not shine on adjacent properties. Light fixtures on the access road would be full cut-off and shielded. They would not be tall. New trees would be first-floor height, 6'-10' tall. Chairman Best agreed that the existing trees are the height of the proposed building. Gordon Leedy explained that mixed types of trees that do not drop their bottom branches as they grow would provide effective screening. They would grow probably 6"-12" a year. Nelson Disco suggested arborvitae.

Nelson Disco suggested submission of the details of what would be in each phase and asked about the monitoring wells. Gordon Leedy showed the locations of the monitoring wells, which could be capped and kept where they are. They were required for MPO for five years. Reports are still being made, even though that time has passed. No salt or chemical de-icers would be used. Salt in the wells is from DOT and not from

MPO. There would be only a little blasting. Chairman Best suggested taking precautions with the neighbors and returning to the Board with a plan. The Board wants a say in blasting limits. Gordon Leedy explained that he would need a blasting permit.

The Planning Board suggested that CLD perform additional peer review specific to the roundabout in order to determine if the proposed design would sufficiently handle the traffic flow. Chairman Best predicted there would be no problem with roundabout traffic on busy Saturday mornings.

Dan Ricker said it is misleading to show a pond that is not always full on the plan. He wanted proof a roundabout would work. Gordon Leedy said it was designed by a traffic engineer. The same design works at Fidelity, whose 6,000 employees exit in half an hour. Alastair Millns predicted it would work well.

Alastair Millns noted that the emergency access road's gate arm is broken and suggested using a more solid material. Gordon Leedy proposed installing a gate at the other end of the road as well. Chairman Best suggested telling the contractor to close the gate immediately after plowing.

Public comment

Beth Burns, 5 Spruce Street, said the project would impact that street. The developer should be kept to his promise not to touch the buffer and emergency access road. Trees should not be removed in order to plant others there. There is very little privacy left.

Barb Amaral, 1 Spruce Street, distributed a photo showing the view of the balloon/Building A from her kitchen window. Six foot trees would not cover it. She questioned having lights on the emergency access road, the 19 spaces in the rear and suggested moving the dumpster at Building C. She does not want the emergency access road moved. Chairman Best said the Board could limit the hours for when the dumpster could be emptied.

Michael Mills, 7 Arbor Street, was disappointed that only three Board members attended the site walk on Spruce Street. Chairman Best explained that attendance is not mandatory and that members could walk there on their own as well. Michael Mills told neighbors not to attend this meeting because he claimed the agenda stated that the item would be continued to March 6, 2018 (which was not accurate; the staff memorandum suggested that the Board continue the hearing to March 6 following discussion from the applicant). He wanted the Board to devote a separate session to discuss each issue (trees, parking, access). He asked exactly when snow would be removed and what business hours of operation would be. He claimed there would not be enough ADA-compliant parking and questioned the number of parking spaces compared to another project. He suggested that the Board regulate when businesses can use specific parking spaces. He questioned how the number of children was predicted and the owner and developer's property lines.

Chairman Best stated that the public may offer opinions but not debate the developer. He refuted Michael Mills' claim that the process is unfair.

For the next meeting, the Board would like the applicant to submit irrigation details, description of a potential pedestrian crossing over Continental Boulevard, proximity of buildings to neighbors, a blasting plan, CLD review of the roundabout and traffic data, a phasing detail plan, rationale for lights on the emergency access road, and an access road gate. Robert Price will check with MVD about the need for monitoring wells. Gordon Leedy would consider 8'-10' rather than 6'-8' evergreens on the Amarals' property. The emergency access road will only change in the vicinity of Camp Sargent Road. Moving a section of the emergency access road is meant to accommodate parking spaces convenient to the building's residents. The 100' buffer would not be touched. Gordon Leedy noted that a buffer and trees are two different things. The existing tree area is not entirely buffer area. He sees no benefit in the Police Department's suggestion of a 20'-high berm to replace the 60'-high trees because it would make a less effective buffer. The Police also suggested a three-lane roundabout, which is not as good as one with two lanes. The emergency access road would be shifted 40' to the north, which does affect buffers.

There ensued discussion about whether CLD could complete its traffic/roundabout review by March 6, 2018. Gordon Leedy will bring VHB's Managing Director of Transportation Systems Robin Bousa to that meeting. Chairman Best instructed the applicant to consider not moving the road and doing something else with the 19 spaces.

Fire Marshal John Manuele said the emergency access road must remain clear and in a remote location. Cars that are removed from the 19-space lot cannot park along the access road.

The Board voted 7-0-0 to continue this item to March 6, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Michael Redding.

- 4. 4 Executive Park Drive Realty, LLC. (applicant/owner) —** Continued review for consideration of final approval for a site plan to construct 280 multi-family residential units, clubhouse and other associated site improvements. The parcels are located at 4 & 6 Executive Park Drive in the C-2 (General Commercial) and Aquifer Conservation Districts and 100-year Flood Hazard Area. Tax Map 4D, Lots 076 & 077. **This item is continued from the January 2, 2018, and February 6, 2018, Planning Board meetings.**

Dan Ricker recused himself from discussing and voting on this item.

Attorney Greg Michael, Bernstein Shur, Sawyer & Nelson, said that CLD agrees with the traffic analysis and the applicant's response to their comments. The State wants to implement the peer-to-peer traffic signal synchronization system. Final State permits are pending. Alan Mello, who owns the abutting lot that houses D'Angelo, has agreed to provide an easement for a sidewalk that the developer will pay for and build, which will extend the sidewalk from its current terminus on Executive Park Drive to Amherst Road. The proposed traffic signal system would support a pedestrian crossing over Amherst Road, but the State wants to see how the system works before allowing a pedestrian phase. The applicant agrees to all staff conditions.

Chairman Best suggested breaking up the uninterrupted 70 parking spaces as well as the area between the two buildings with landscaping to make it look more interesting. Austin Turner, Bohler Engineering, said that request could be accommodated. Chairman Best and Alastair Millns differed in their opinions about whether Buildings D and E are too far away from Buildings A, B and C and the amenities. Austin Turner said parking spaces would not be exclusive to the amenities/clubhouse building. The north of the property would be connected to the core by a walking trail, as well as by the sidewalk along Executive Park Drive. A wetland crossing would have an expensive and significant impact. The plan has appropriate connectivity. Chairman Best suggested putting some amenities (gym, internet café) in Buildings D and E themselves. Attorney Michael noted that there is resident parking under the buildings. Chairman Best wanted people to be able to unload cars in front of Building A before parking in the rear lot, which he wanted lit for safety. Austin Turner agreed to plant evergreens and build a landscaped wall on the top of the rear slope behind Buildings D & E to supplement the buffer. Chairman Best suggested asking the neighbors if they want trees planted on their properties since they are situated about 20 feet higher than the subject property.

Nelson Disco wanted to see the grading and landscaping plans have the “future parking” area noted on the plan.

Attorney Michael stated that there would be no phasing and that excess snow would be removed. Austin Turner made an operations and maintenance plan for drainage. There would be a property manager. HVAC on the roof would be screened. There would be bicycle parking in several locations. Perhaps there could be (un)loading areas to (un)load cars for each building. There would be no lights in the wooded area, only on the path.

Public comment

Bob Hebert, 3 Heidi Lane, said crosswalks on Amherst Street are necessary in a “walking community”. It is a safety issue. He wanted wells tested to be sure there is no salt use. He asked about the makeup of the mulch and whether there would be blasting. He suggested a Planning Board site walk in order for the Board to learn what he would see of the buffer at the north end. He asked how tall the trees would grow and whether they would block the buildings. Chairman Best repeated that the evergreens on the top of the slope would be 8’-12’ tall, which would create 20’-high screening. Some of the building would still show.

Dan Ricker, 12 Merrill Road, agreed with Bob Hebert. He asked for a blasting plan, testing of wells and lighting on the pathway to the woods. Chairman Best said lights would interfere with experiencing the woods and that abutters might not want them on 24 hours a day. Dan Ricker asked what a crosswalk would look like. He noted that NH DOT said that, even with improvements, there would still be a “considerable traffic problem at peak hours”. The peer-to-peer system will not solve everything. Dan Ricker opposes the entire project, which would add congestion to an already congested area.

Chairman Best read a January 17, 2018, supporting letter from Jamie Page, Owner of Boomer Nashua, 5 Executive Park Drive, in support of the project. The property is long

overdue for redevelopment and was cited in the 2013 Master Plan as one of the top five opportunity zones for redevelopment in Merrimack. The residences would complement the adjacent movie theater, office buildings, D'Angelo and his business.

Jason Plourde, Project Manager, Beta Group, said DOT wants to build the traffic system to see how traffic flows through the area before building a pedestrian crossing. It recommended a concurrent crossing rather than an exclusive one that would add delay to the system. Jason Plourde is preparing signal plans that include a concurrent pedestrian system. DOT wants to see the peer system in action first before introducing other elements. DOT owns the signals, so the applicant cannot introduce anything that the State does not want. He is not proposing down tips/ramps now for the same reason. Chairman Best suggested getting DOT to commit to a time frame for deciding about a crossing.

Chairman Best explained the background of the MPO test/monitoring wells. The goal is to keep blasting chemicals out of the drinking water and well nearby. Austin Turner can do limited rock scraping instead of blasting and has agreed to Green SnowPro certification for snow removal. Monitoring wells are inappropriate. If he must blast, the Fire Department and the State must approve his plan. Chairman Best instructed him either to commit to not blasting or to submit a blasting plan first. Attorney Michael said compressed air and hammering could be used rather than blasting chemicals. The Conservation Commission can recommend what type of mulch to use.

Chairman Best suggested labeling the retaining wall on the plan.

Austin Turner wants to keep lights out of the wooded area. Attorney Michael noted that residents could use the sidewalk instead of the woods path. Michael Redding suggested a security camera at the trail access.

Nelson Disco asked for evidence that the State approves this traffic design. Chairman Best said the Board can require that State permits be part of the conditional approval, but it must be clear about what it wants from the State so there would be no risk. Attorney Michael said there would be a pedestrian issue no matter what project goes onto this site. A peer-to-peer system is integral to the project. The applicant did its best. Austin Turner said that adding pedestrian elements would be simple.

The Board voted 6-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Michael Redding.

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain any required State approvals/permits (including NH DOT approval for the proposed mixture of coordinated and peer-to-peer traffic signal systems), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department, as applicable;
3. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;

4. The applicant shall provide draft copies of any applicable legal documents for review, at the applicant's expense, by the Town's Legal Counsel;
5. The applicant shall address comments received (including those received on February 21, 2018) from the Town's peer review consultant, CLD|Fuss & O'Neill, regarding both site improvements and traffic as applicable;
6. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
7. The applicant shall address the following comments from the Conservation Commission:
 - a. While the plans presented address the majority of the stormwater and drainage requirements for the site, all roof runoff is proposed to bypass the pre-treatment system and drain directly off-site. The MCC is concerned about the volume of water being shed from the approximate 78,000 Square feet of build roofs and would recommend that this flow be directed to some type of engineered infiltration system;
 - b. The planting plan specifies the use of fertilizer pellets in the planting pits. These pellets do contain phosphorous and nitrogen in slow release forms and are acceptable for use in the manufacturer's designated methods. However, due to the site topography and proximity to Naticook Brook and associated wetlands, the MCC highly recommends that any additional fertilizers, specified on the plans, be changed to no phosphate and slow release nitrogen compounds;
 - c. The MCC recommends the use of only native plants in the landscape design. The landscape plans should be regularly audited against the state's Prohibited and Restricted Species Lists;
 - d. The MCC recommends the applicant have their soils tested prior to the application of any fertilizers;
 - e. In all locations, the MCC would like the plans to reflect the use of straw bales in lieu of hay bales for temporary stockpile containment and water flow control;
 - f. The addition of any culverts over water flows to allow for pedestrian crossing or site drainage should be of a "C" channel or other open bottom design and be sized to fully span the flow. The end result should leave the flow width and its natural streambed undisturbed;
 - g. Naticook Brook is considered a perennial stream with this section covering very sandy soils with a high degree in infiltration. Seasonally (Spring), Naticook Brook runs strong and, after a short distance, empties directly into the Merrimack River. The original plans reviewed by the Conservation Commission do not account for snow storage or removal. Due to the size of the parking areas and the variety of inbound road salts and other de-icing compounds, the MCC is concerned about the potential snow storage

locations and infiltration of snow melt vs. draining unknown amounts of unknown products into the brook;

- h. Ice and snow treatments should encompass aggressive snow removal from impervious surfaces, maximize the use of sand and minimize the use of salt or other de-icing compounds. The use of salt and other de-icing compounds should be performed by DES Green SnowPro certified applicator;
 - i. The proposed plans show optional excess parking areas deemed necessary to meet code requirements. Due to the high stormwater recharge abilities of this site, the MCC would like to see the minimal creation of impervious surfaces;
 - j. Any trails and/or bridges created to support pedestrian traffic or passive recreational activities that are in close proximity to water flows or wetlands should incorporate railings to limit the user's ability stray from the path;
8. The applicant shall address the following comments from the Public Works Department, as applicable:
- a. A sight distance plan and profile shall be provided for all of the driveway entrances onto Executive Park Drive to ensure adequate all season safe sight distance is obtained;
 - b. There shall not be any direct access to Amherst Road from the parcel or across Lots 75 and 76-9;
 - i. One sign is not going to be adhered to especially when there are now 3 lanes coming from the parking area. They will take the quickest route to get out. This will become a problem especially since the stop bars are pointed in that direction. According to the site plan that was approved in 1989 the driveway on lot 4D/76-9 and 9-1 is to be an "enter only". New signage should be put up at Amherst Road, arrows restriping the entrance, the entrance narrowed to the plan distance by use of curbing or other acceptable methods, an exit only put up at the property line and one way and/or do not enter signs coming from the proposed units to the entrance out. Traffic arrows shall also be painted on the pavement and a maintenance schedule set up for the future. See attached plan. If this becomes a problem then other measures will need to be taken by the owner or applicant.
 - c. All Patching on Executive Park Drive shall also be crack sealed along the existing pavement and the new patch pavement. This shall be noted on all pertinent details. This is to provide a water tight seal;
 - i. Add a note to the Pavement Patching Sawcut Requirements on Sheet 22 that asphalt emulsion is to be applied at all joints;
 - d. The center islands in Executive Park Drive shall be eliminated. The sloped granite curb shall be removed from the center island and stacked neatly for loading by the contractor into Merrimack Public Works vehicles. The center island shall then be patched and paved;

- i. This should be shown on the plans such as the grading and drainage plan with a reference to the sheet and note #;
 - e. On the proposed Drainage Tributary Map A there are 2 different areas that are labeled as Roof 3. There is no Roof 5. How are these mapped?
 - f. On the Proposed Drainage Tributary Map B there are 2 different areas that are labeled as CB-D with 2 different areas. There is no CB-C on the plan. How are these handled in the calculations? There is a C in the calculations.
 - g. Drain Manhole DMH-P OSC-4 is documented but is not illustrated on sheet 8 or 10;
 - h. All Town, State and Federal permits should be noted on the plans for easy reference;
9. The applicant shall address the following comments from the Wastewater Division:
- a. Remove sewerage cleanout at southern most building and replace with manhole per Town of Merrimack Sanitary Sewer Engineering Standards S3-02.8.b. 1&2;
 - b. Page 11 i. Doghouse manholes not permitted - must be of precast base construction per Town of Merrimack Sanitary Sewer Engineering Standard S3-11.d.2;
 - i. Retaining wall shown preventing access to existing sewer easement - not permitted per Town of Merrimack Sanitary Sewer Engineering Standards S3-14, S3-15, S5-28;
 - ii. Note to add: All construction of sanitary sewer shall meet Town of Merrimack Sanitary Sewer Engineering Standards latest revision. S5-0 1.1;
 - c. Page 23 i. Sewer drop detail - see Town of Merrimack Sanitary Sewer Engineering Standards details in appendix A;
 - i. All hardware and strapping shall be 316 Stainless Steel;
 - ii. Precast manhole detail - see Town of Merrimack Sanitary Sewer Engineering Standards S 4-08 for correct manhole cover detail;
 - d. Page 25 i. Doghouse manhole detail - remove - not permitted - see Town of Merrimack Sanitary Sewer Engineering Standards S3-11.d.2;
 - i. Vertical wye and drop cleanout - not permitted for sewer - see Town of Merrimack Sanitary Sewer Engineering Standards S3-02.8.b.1 & 2;
10. The applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
11. The applicant shall address the following Planning Staff Technical Comments:

- a. The applicant shall verify that the Public Works Department is OK with all notes indicated on sheet 2. It should be noted that the typical notes expected for all site plans are not indicated on this sheet (see comment “b” below);
- b. The following typical plan notes should be added to the plan set (on a sheet that will be recorded, typically the overall site plan):
 - i. Purpose of the plan;
 - ii. Lot Areas;
 - iii. Owner of record;
 - iv. Water source;
 - v. Sewer source;
 - vi. Vertical datum reference;
 - vii. List of plan references;
 - viii. FEMA Flood Hazard information;
 - ix. Site Soils;
 - x. Stormwater Ordinance notes;
 - xi. Preconstruction meeting notes;
 - xii. ROW permits note;
 - xiii. Note indicating which plans are to be recorded and which are on file with the Community Development Department;
 - xiv. Phasing notes;
 - xv. Statement of Plan (as required by Section 7.05.D.16);
 - xvi. Note regarding regulations being part of the plan (as required by Section 4.06.1.k);
 - xvii. Notes regarding requires State Permits;
 - xviii. Notes regarding waivers;
- c. On Sheet 5, applicant shall correct the Zoning Analysis Table to indicate the “Aquifer Conservation District” rather than “Aquifer Protection Overlay District”;
- d. On Sheet 5, applicant shall eliminate the reference to a waiver being requested for total number of parking spaces within the Zoning Analysis Table;
- e. Sheets 6 & 7 reference Architectural Plans which were submitted in 11 x 17 format only. The applicant shall include a full size version as part of the plan set. Elevation plans shall be made part of the plan set for review by the Board. In addition, on these same sheets (and any other applicable sheets),

crosswalks should be indicated at both sides of the all site driveways to connect to the proposed sidewalks;

- f. The applicant shall note on the Landscape Plans (Sheets 15 & 16) the required buffers from Section 10.01.4 of the regulations. It appears that Buffer Categories “B” and “C” are required for the project. Additionally, the applicant shall indicate which type of buffer (also from Section 10.01.4) within each category is utilized on the site;
- g. On Sheets 19 & 20, the applicant shall:
 - i. Note that all lighting fixtures will be full cut-off;
 - ii. Indicate the site’s U-Ratio;
 - iii. Ensure site lighting is sufficient to provide adequate security and visibility for people traveling within the development;
- h. The applicant shall show potential future parking spaces on the final plan;
- i. The applicant shall provide additional buffering behind Buildings D & E through the use of evergreens, white spruce, and potentially a landscape wall to accommodate the slope, and indicate it on the final plans;
- j. The applicant shall provide potential future grading plan in the final plan set that accounts for the potential future parking spaces and additional buffering behind those spaces;
- k. Per the applicant’s statement to the Planning Board at its February 20, 2018, meeting, the applicant shall show the extension of the existing sidewalk along Executive Park Drive to Amherst Road on all applicable sheets of the final plan;

The following general and subsequent conditions are also 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. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of a Certificate of Occupancy (or financial guarantee shall be provided in an amount deemed appropriate by the Community Development Department should the project be approved in phases and occupancy of buildings is sought prior to the full completion of all improvements on the site);

3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
4. The applicant shall, in coordination with the NH DOT as may be necessary, fix the broken loop detector on Continental Boulevard and install the mixed coordinated and peer-to-peer traffic signal system, as was represented to the Planning Board throughout various public meetings, prior to the issuance of any certificates of occupancy for the project;
5. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
6. A Stormwater Operations and Maintenance manual shall be prepared for on-going future maintenance instructions of all of the drainage facilities prior to the issuance of the Certificate of Occupancy. After the Certificate of Occupancy has been issued there shall be annual reports provided to the Town on the entire Drainage system;
7. The applicant shall address any comments from Merrimack Village District that are related to by-laws, ownership of facilities, and construction processes (that are not deemed precedent conditions);
8. The applicant shall address the following comments from the Building Department:
 - a. The project shall comply with all ICC Building, Fire and Life Safety Codes adopted by the State of New Hampshire, including all amendments;
 - b. Submit a complete building permit application, provide the job location, indicate the scope of work, proposed use and estimated construction value;
 - c. All plans and construction documents shall be submitted with the application and available for code compliance review, prior to the Pre- Construction Meeting with Community Development.
9. The applicant shall address any comments from the Fire Department, as related to building fire code compliance, sprinkler systems, building addressing, etc., as applicable (that are not deemed precedent conditions).

5. Discussion/possible action regarding other items of concern

Dan Ricker returned to the Board.

Nelson Disco, Robert Best and Alastair Millns will be at the polls to solicit opinions about the NRPC Route 3 Pedestrian plan. The Board will make a map to show sidewalk construction priority areas and how they connect. Nelson Disco will draft a questionnaire that will ask residents which segment they think is the most important, how often they would use it, and whether they favor or oppose the plan for the March 6, 2018, meeting. Needed are maps, easels, more volunteers, and getting approval to be at the polls.

Chairman Best announced that two people have applied for the Planning Board vacancy.

6. Approval of Minutes — February 6, 2018

The Board voted to approve the minutes of the February 10, 2018, site walk, by a vote of 5-0-2, on a motion made by Tom Koenig and seconded by Alastair Millns. Nelson Disco and Dan Ricker abstained.

The Board voted to approve the minutes of February 6, 2018, by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Nelson Disco.

7. Adjourn

The meeting was adjourned at 11:15 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Paul McLaughlin.