



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, MARCH 6, 2018

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Lynn Christensen, and Alternates Nelson Disco and Dan Ricker.

Planning Board members absent: Michael Redding, Vincent Russo and Paul McLaughlin.

Staff present: Planning and Zoning Administrator Robert Price, Assistant Planner Kellie Shamel, and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:12 p.m. and designated Dan Ricker and Nelson Disco to sit for Michael Redding and for the vacant regular member seat, respectively.

2. Planning & Zoning Administrator's Report

The Board voted 6-0-0 to determine that Streif LLC site plan is not of regional impact, on a motion made by Alastair Millns and seconded by Tom Koenig.

3. Streif, LLC. (applicant/owner) — Review for acceptance and consideration of final approval for a site plan to construct 47 elderly housing units. The parcel is located at 412 Daniel Webster Highway in the R-4 (Residential), C-2 (Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 001.

Patrick Colburn, Project Manager, Keach-Nordstrom Associates, said the parcel used to be owned by Eversource, and contains sewer and utility easements. Lot 1 consists of 14.4 acres that are mostly in the R-4 Residential District, with one piece in the C-2 (General Commercial) District. It has frontage on the Souhegan River. Elderly Housing may have eight dwelling units per acre, so this property could have 115 units. Overlook Estates, as proposed, would be a 55+ community with 47 two-bedroom condominium units comprised of three triplexes, 42 duplexes and two single-family homes, a clubhouse, and a mail station, to be serviced by Merrimack Village District (MVD) water and utilities coming from East Chamberlain Road. Patrick Colburn described the new streets. There would be sidewalks and curbs throughout the development, extending out onto East Chamberlain Road and connecting to the existing sidewalk in front of the Merrimack Village Mall on D.W. Highway. A closed stormwater management system would lead to a central infiltration/storage pond. A low spot that collects water like a pond would be reconfigured to infiltrate/recharge the groundwater table. Lighting would be limited to poles at intersections, at the clubhouse, over the parking lot, and at the end

of the road. East Chamberlain Road would be widened to 24' wide. At the suggestion of the Public Works Department (PWD), a flat platform would be created at the D.W. Highway intersection with East Chamberlain Road to adjust the horizontal alignment so there would be less skew. Doing that would require making significant cuts and replacing all water and sewer to provide adequate cover for the road. The project would extend natural gas from D.W. Highway to the proposed development. Staff approves decreasing the grade from 12% to 10% to blend back to the existing road grades beyond the applicant's frontage. An Alteration of Terrain Permit has been submitted; a Shoreland Protection Permit and a Wastewater/Sewer Connection Permit are also needed. The applicant will meet with the Souhegan River Local Advisory Committee on March 15, 2018. The plan was submitted to CLD, but their comments have not yet been received. Traffic Consultant Rebecca Brown of GPI did a traffic study.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 6-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Nelson Disco.

Patrick Colburn said the East Chamberlain Road sidewalk connection would also be at 10% grade, whereas the Americans for Disability Act (ADA) requires 5%, however existing conditions are taken into account. The proposed work on East Chamberlain Road would necessitate a road closure for approximately 2 months and take place ideally during the school summer break. However, there is a second outlet for residents in this area via Oak Street to Columbia Circle to D.W. Highway. Changing the grading and moving the sewer, water and gas requires a lot of excavation. The Fire Department requested an apparatus turnaround for Canoe Lane, which would be designed between units 44-45; the proposed hammerhead, as presently designed, is inadequate. There would be a driveway to units 22-23 that leads to a gravel sewer easement. The easement would be widened. The Fire Department wants the sewer access to be a gated secondary fire access to connect behind the D.W. Diner, so it would have to be rebuilt to support fire apparatus. Patrick Colburn explained the hydrants, grading, easements, and drainage.

Noting that there would be over 1,000' of roads to plow, Chairman Best requested the applicant to state the estimated condominium fees at the next meeting and to explore connecting to the project to the Souhegan River trails nearby. Nelson Disco suggested landscape improvements at Route 3, which Patrick Colburn said would require working with Eversource.

Each duplex would have two parking spaces and a shared driveway, the triplexes would have three driveways and the single homes would have one driveway and a parking space in front. All units would have a garage. There would be eight visitor/clubhouse spaces. A total of 102 spaces would be provided, whereas 71 are required. The Planning Board instructed the applicant to provide more visitor parking spaces as there was doubt that the number of visitor spaces was adequate, despite a total number of spaces in excess of the requirement.

Patrick Colburn said there would be no sidewalk on Canoe Lane, which would have only six units. The applicant has not decided whether to build all the units at once or to build in phases. Chairman Best stated that, if the project were built in phases, the primary infra-structure must be built first.

Public comment

Mike Malzone, 8 East Chamberlain Road, suggested tabling the item because the agenda “deceptively” lists the property at 412 Daniel Webster Highway, when it is really on East Chamberlain Road. Residents of East Chamberlain Road would have attended the meeting had they known. Mike Malzone questioned the grade coming up East Chamberlain Road near his house. He does not want headlights shining into his house. Decreasing the slope of East Chamberlain Road by 2% is insufficient. Elderly residents would not be able to use the sidewalk in bad weather because the slope would be too steep. Everyone would have to use the back entry off of Columbia Circle in bad weather. Mike Malzone suggested moving the exit. The width of East Chamberlain Road is substandard; two cars cannot drive next to each other. Mike Malzone questioned whether 47 homes are too much for the water table.

Erin Naro, 409 D.W. Highway, said that East Chamberlain Road is a scary hill, adding that a 10% grade would not make much difference from what exists today. A possible 102 additional vehicles would be a traffic concern. Sometimes Erin Naro must wait 4-5 minutes to exit her driveway. Chairman Best explained that traffic flow at a 55+ development is different than that of a traditional development.

Steven Ragsdale lives at 40 Penacook Terrace, which is the condominium next to the project. He asked if there would be a full tree buffer for privacy and on which street cars would park. Chairman Best said the applicant could say there is no parking on East Chamberlain Road or on the internal streets. That is why the Board wants more visitor parking spaces. Steven Ragsdale said that a closure of East Chamberlain Road would affect one of his neighbors, who is a sick and elderly resident, as emergency response would be delayed. Chairman Best countered that the road could just as easily be closed for repairs/maintenance at any time.

Mike Malzone suggested noting that the property is on East Chamberlain Road on the next agenda. When asked by the Board, Robert Price said it could be put in parentheses.

Dave Thompson, 16 Penacook Terrace, said that his condominium has 18 additional parking spaces for 27 units. During busy holidays, they are all taken.

The applicant requests a waiver from the road plan and profile regulation to make the horizontal scale 40:1 rather than 50:1. The applicant has already broken the plan into three difference views: existing conditions/removal; roadway layout; and roadway grading, drainage and utilities. It would be a hardship to break it into additional sheets.

Alastair Millns cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

The Board voted 6-0-0 to waive the requirements of Section 4.06.2 – Road Plan and Profile – of the Subdivision Regulations, on a motion made by Alastair Millns and seconded by Lynn Christensen.

Patrick Colburn explained that East Chamberlain Road would be reconstructed at staff's request in order to fix an existing problem; it is not the applicant's choice to do so. Substantial improvements would be made. The secondary access would be used during the short-term reconstruction of East Chamberlain Road, which would be done as quickly as possible. After trees are cleared, a variety of plants would be installed that would meet the regulation for a Category A Type 2 buffer. It would be 10' wide with 13 trees and 39 shrubs to supplement the remaining trees. Stormwater would go to an infiltration area, treated and directed back into the ground.

Tom Koenig thought the setbacks were too narrow and too close to the single-family homes on East Chamberlain Road. Chairman Best explained that elderly housing is exempt from setbacks. Patrick Colburn said he would voluntarily observe the Zoning Ordinance setbacks of 50' in front (D.W. Highway), 60' in the rear (Penacook Terrace) and 20' on the sides.

Patrick Colburn explained the grading and traffic from Abenaki Circle. It has a down gradient from East Chamberlain Road to the cul-de-sac; the 3% platform would taper to 5%, per ADA rules. Only a few cars would go right on East Chamberlain Road; most would go in the other direction. The Town's peer review engineer, CLD|Fuss & O'Neill, will review the traffic study. Chairman Best instructed the applicant to provide the traffic study in electronic format to staff for the public to view online.

The Board voted 6-0-0 to continue this item to May 1, 2018, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Lynn Christensen.

4. **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 and February 20, 2018, Planning Board meetings.

Gordon Leedy, Managing Director Land Development, VHB, said the plan was revised as follows: the irrigation footprint was reduced and would be adjacent to buildings only; all five lights on the emergency access road were removed, leaving two on the parking area and one at the intersection; instead of a gate on the east of the access road, there

might be a raised sidewalk across the access road for maintenance and accessibility for emergency fire vehicles and a “do not enter” sign. Access to each of the four monitoring wells on site would be maintained during construction, and then they would be capped. There would be no external dumpsters at the residential buildings; trash would be taken care of internally.

Alastair Millns agreed with the Police Department that the roundabout should have three lanes and asked why it was designed as a hybrid with two lanes. His concern is that confusion getting into the right lane to go either to the mall or to the project would cause accidents. He presented his own three-lane roundabout plan, which is based on English practice. Two lanes would go straight, with an inside one going around segregated cars, like the roundabout in Keene at the intersection of NH Routes 101, 10, 12 and Winchester Street. It would allow traffic to go separate ways. Three lanes would phase into two in each direction.

Robin Bousa, Regional Director, Transportation Services, VHB, said traffic at the project, including finishing the mall/build out, would be at Level of Service B. A hybrid roundabout would have only the number of lanes necessary to facilitate traffic flow. The plan Alastair Millns presented is not a roundabout because it would not slow or control traffic. CLD|Fuss & O’Neill has the figures for peak traffic flow. Robin Bousa updated the trip generation, which is only 35 more trips now. Gordon Leedy repeated that this roundabout is similar to the one at Fidelity and was specifically designed for this application. Peak hours at Fidelity are similar to Parcel A and Fidelity’s roundabout handles a tremendous amount of traffic daily. There would be directional signs as well as ground arrows. Federal guidelines do not allow Robin Bousa to change the lane markings if the plan is to be stamped, as Lynn Christensen suggested. Chairman Best added that, according to the US Department of Transportation (US DOT), roundabouts handle enormous amounts of traffic. Alastair Millns and Dan Ricker said that Fidelity employees use their roundabout every day and are familiar with the design, but that is not the case for people who go to Merrimack Premium Outlets (MPO). Chairman Best and Tom Koenig said that arrows on the ground would be confusing. Drivers would look at signs instead. Robin Bousa suggested postponing the discussion until CLD|Fuss & O’Neill submits their comments. Gordon Leedy said the MPO site plan would have to be amended because the roundabout would be on its property.

Chairman Best stated that 2,400 cars per hour can move through a two-lane roundabout, double the 1,000-2,000 that is projected. A roundabout can handle the present traffic.

Gordon Leedy said that a pedestrian crossing on Continental Boulevard would be the only one on that road and would connect to nothing. He is reluctant to make an open-ended commitment to future improvements. The applicant has already installed a 2,000+-long sidewalk at his own expense and will maintain it in perpetuity. If a crossing is needed in Phase 2, it can be discussed at that time. Since there would be a coffee shop on site, there is no reason to connect to Dunkin Donuts, which has no sidewalk with which to connect. Gordon Leedy suggested making a payment for a sidewalk elsewhere in Merrimack in lieu of a sidewalk here. Gordon Leedy did not preclude

future connections in designing the sidewalk. Alastair Millns and Nelson Disco agreed that it is unrealistic to plan for people crossing into Dunkin Donuts in the future.

Gordon Leedy outlined the proposed phasing of the project: 1A would consist of off-site improvements, the main driveway, and the emergency access road. 1B would consist of two residential buildings with commercial space on the ground floor, a circular driveway in the center, parking and a sidewalk. 1C would consist of a hotel, a retail building and parking. 1D would consist of office/retail space with parking in back. 1E would consist of the third residential building. An individual parking analysis was done for each building. Each phase has required parking for associated uses. 1A would be done first. 1A, 1B and 1C would stand alone. 1B and/or 1C would be done before 1D and 1E.

As to the proximity of the building, parking and access road to neighbors and buffer, Gordon Leedy said the 19 spaces in the rear are necessary because of convenience for the residents in the building. Lighting would be removed and the plantings along the edge of the buffer increased from 6'-8' high to 8'-10' high for taller screening. Evergreen trees would be added to shield the neighbors from headlights. A mix of balsam fir, white spruce, and Austrian pine that would be 40'-60' tall when mature would be planted elsewhere. All varieties keep their lower branches when mature.

A blasting plan that is the modified MPO plan was submitted today. There would be no significant blasting; mechanical means would be used to remove rock. Groundwater contamination would be prevented. Pre-blast surveys would be done within 500' of trench blasting. There would be no large blasts. Blasting would be done only for utilities and perhaps foundations and only if rock cannot be removed mechanically. It would be 100% matted. 500' is double the state regulatory requirement. Perhaps 20 yards at a time would be blasted, which is much less than was done at MPO.

The applicant agrees with staff comments. As to 7.c., rather than using native plants, the applicant prefers improved, non-invasive varieties. As to 7.b., the applicant would use limited amounts of other de-icers in pedestrian areas, as suggested by the Department of Environmental Service (DES) in addition to those suggested by MCC. The Planning Board suggested using only sand and removed condition 7.d, in which MCC allowed the use of salt in pedestrian walkways and loading areas.

Gordon Leedy said the shared parking analysis is based on a spread sheet for mixed-used developments. There are square footage calculations for each use. He explained how he arrived at the numbers for each phase, which Chairman Best wanted shown on the plan. The required number of parking spaces is 1,045; 889 would be provided. Gordon Leedy explained what roads/parking would be used for each phase of construction.

Gordon Leedy stated that there would be a no-disturb 100' buffer next to the neighborhood. Trees that are already there would remain. The paved area would be 120' from the property line and there would be a 200' building setback. There would be 71 units in Building A and 78 parking spaces, including the 19 in question, under or immediately adjacent to it. One space per unit should be conveniently located, not

shared and always available for residential use. There would be 192 parking spaces in the immediate proximity to the residential buildings. Chairman Best stated that the applicant was abiding by the setback and buffer regulations, so it would be difficult to pressure him for more concessions. He agreed with Tom Koenig that the 19 spaces are the issue.

Tom Monahan, Monahan Companies, said they are an issue for him as well, which is why they would be done last, but they are necessary. Town Council would have to allow an easement to move them onto Town-owned land on the side of Building A. Tom Monahan pledged to the Planning Board and to the abutters that he would work with them to find a way to move the 19 spaces away from the neighborhood.

Tom Monahan said that MVD Superintendent Ron Miner has no issues with the project, which is well within the standards.

Gordon Leedy agreed to plant the island between the parking lot next to Building A and the access road in order to screen the parking.

Mark Verostick, VHB, confirmed that all the property would remain under the same ownership throughout.

Public comment

Barb Amaral, 1 Spruce Street, asked how tall trees would be at the time of planting and how quickly they would reach maturity. Chairman Best repeated that they would grow 6"-10" per year and need not be at full height to provide screening. Barb Amaral feared that the road would reduce the 3'-4' buffer slopes toward the homes. Chairman Best said a berm would possibly be made of the excavated dirt. Barb Amaral suggested moving the horizontal row of parking down in order to shift everything down. Chairman Best explained that the 19 spaces should be near the residential building and that the area at the bottom should be open for the last phase. Barb Amaral questioned why there are more external parking spaces around Building A than around Building C.

Beth Burns, 5 Spruce Street, received confirmation from Chairman Best that an existing detention pond on site near her property would remain as is. (Condition 12). Noting that a piece of the emergency road was moved 40' closer to the homes, she wanted another way to treat the 19 spaces that are affected. Chairman Best stated that there would be extra plantings. He cautioned that the Planning Board cannot push the applicant too far. Beth Burns agreed that moving them to Town-owned property would solve the problem. Lynn Christensen reminded Beth Burns of Tom Monahan's pledge (see above). Chairman Best stated that, after exploring all possibilities, the Planning Board must approve the project if it meets regulations. The buildings would be 200' away no matter where the road is. Beth Burns stressed privacy and maintaining the trees and buffer.

Michael Mills, 7 Arbor Street, distributed a summary of his remarks.

The Police Department reported that the roadway becomes congested during peak hours, with gridlock and 1-2 hour delays on holidays. Perhaps there is a better way to enter the project. The Planning Board should not ignore the Police Department, which

recommends a three-lane roundabout. It also recommends a 20'-high man-made berm with fast-growing bush, tree or cover planted on top in addition to the existing trees in order to protect the neighborhood. Abutters should not have to wait 20 years for them to grow.

A 65'-high building would have an adverse impact on property values. Tax revenue would increase less than \$1 per household per month. A 10' tree does not shield a 65'-high building. Planting three 6'-8' trees at each abutting house does not constitute a proper buffer. A 65'-high building should be shielded or moved in order to prevent visual blight. A 100' no-disturb buffer and a 200' building setback do not constitute enough of a buffer for a 200'-wide and 65'-tall building. Planting trees would make no difference.

Nine apartments should be removed in order to reduce parking by 19 spaces. Michael Mills questioned why fewer spaces are required than on Executive Park Drive. He supplied his own figures for parking requirements for each proposed use and disputed the basis for the shared parking figures. He also questioned the dispersal and total number of handicapped parking spaces on site.

Gordon Leedy responded that tree height would be a mix of 40% of 6'-8' and 60% of 8'-10' evergreens along the edge. A gravel wetland takes drainage from the Camp Sargent Acres neighborhood and treats/cleans stormwater before going into the Town drainage system. The gate would remain and trees would be planted on its north edge. In addition to the plantings on Parcel A property, #1,3,5,7,9, and 11 Spruce Street would get up to three 8'-10' evergreens, either on their property, on Parcel A's property or on the property line, wherever the abutter chooses.

Gordon Leedy repeated that the developer has the right to erect an office building or industrial facility of unlimited height at the site. Comparisons should be made to that rather than to an undeveloped site.

Gordon Leedy explained that monitoring wells at MPO were to test for blasting particles/residue. He will ask MVD what testing program/schedule it prefers. He suggested subsequent Condition 9: testing wells monthly during earthwork construction, quarterly during all other site construction and semi-annually after construction is complete for a period of two years. The emergency access road would not be moved until the possibility of using Town property is determined. Chairman Best suggested subsequent Condition 8: that the applicant agrees to and shall pursue an easement or purchase of the Town-owned parcel to the west of Building A. Should the ability to utilize or acquire this parcel be realized, the applicant agrees to relocate the 19 parking spaces proposed to the northeasterly side of Building A to this area. Should the ability to utilize or acquire the Town-owned parcel not be realized, the subject parking spaces shall remain where proposed. Additionally the applicant agrees that the emergency access road shall not be moved until such time as this issue is resolved.

Alastair Millns wanted the Planning Board to see CLD|Fuss & O'Neill comments about the emergency access road and traffic before granting final conditional approval.

The Board voted 4-1-1 to grant conditional final approval, with the following conditions, on a motion made by Nelson Disco and seconded by Lynn Christensen. Dan Ricker voted in the negative. Alastair Millns abstained.

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 all required State approvals/permits, note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department;
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 any outstanding and/or forthcoming comments (including any comments regarding the proposed roundabout) from the town's peer review consultant, CLD/Fuss & O'Neill, 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, as applicable:
 - a. The plans refer to the use of "Siltsocks" for temporary erosion and water flow control. Regardless of where the Siltsocks are filled, the MCC would like the plans to reflect the use of fully composted material meeting the federal standards for a Class A BioSolid;
 - b. MCC recommends that any fertilizers, specified on the plans, be changed to no phosphate and slow release nitrogen compounds;
 - c. Only non-invasive plants shall be used in the landscape design. The MCC recommends that the landscape plans should be regularly audited against the state's Prohibited and Restricted Species Lists;
 - d. The applicant shall add a note to the site plan (or sheet that will be recorded at the Registry) that no use of salt or other de-icing compounds is allowed on site; only sand is allowed;
8. The applicant shall address the following comments from the Public Works Department, as applicable:
 - a. An easement should be given to the Town to allow the public to access the proposed sidewalks/walkways;
9. The applicant shall verify that the comments from the Wastewater Division dated December 15, 2017, have been adequately addressed, as applicable;

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. Address the following relative to Sheet C-3:
 - i. The project indicates a proposed sidewalk that meanders from private property (subject parcel & Premium Outlets Blvd parcel) as well as public rights-of-way (Industrial Drive and Continental Blvd). Please verify that there are approvals and/or appropriate easements/legal agreements to allow for the placement of the sidewalk in the Premium Outlets Blvd property, the subject parcel, and is included as part of the NHDOT approval for the access to Industrial Drive. Easements/Legal documents should ensure that public access is permitted in the private property areas of the sidewalk;
 - ii. A note near the intersection of Camp Sargent and the emergency access way states “Relocate Existing Emergency Gate.” Based on the response letter submitted with revisions to the plans, it appears this should read “Relocated.” Please verify/clarify.
 - b. The Phasing Plan (Sheet C-13) indicates that buildings B, C, E, & F would be constructed in the initial phase of construction. Staff recommends further breaking down the phasing plan to put each building in its own sub-phase (*The reason for this is to allow for flexibility in the issuance of occupancy permits...as if the phasing plan remains as indicated, no occupancy permits for any single building would be allowed until all buildings and site improvements within the phase are fully completed*). Additional phasing notes should be added to the plan to clarify the overall intent of the phasing of construction and occupancy of the buildings on the site;
 - c. The applicant shall note on the Landscape Plan (Sheet L-1) the required buffers from Section 10.01.4 of the regulations. Additionally, the applicant shall indicate which type of buffer (also from Section 10.01.4) within each category is utilized on the site in the notes on the plan;
 - d. On Sheet L-1, based on the discussions with the Board at the February 20 public hearing, staff recommends that the proposed balsam fir trees (AB in the plant list) located near the Spruce St abutters (currently indicated to be 6'-7' height) be replaced with the same 8'-10' balsam firs (AB-2 in the plant list) that are currently indicated to be in the center roundabout island;
 - e. Provide a legend on the recordable site plan sheet;
12. The detention pond owned by the Town of Merrimack located southwesterly of the 100- foot buffer zone shall not be altered by the applicant as part of this plan, and a note shall be added to the plan to specify this;
13. The proposed access road lighting, additional landscaping, preservation of existing monitoring wells, removal of dumpsters from outside the apartment

buildings, provision of internal trash service for the apartment buildings, and “treatment” (speed bump or some other traffic deterring measure to be determined) at the easterly end of the access road shall be shown and noted on the plan as appropriate;

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 any Certificates 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. A Stormwater Operations and Maintenance Manual shall be provided at the Pre-Construction meeting. The manual shall also provide the reporting schedule during all phases of construction and also assign responsibility of annual reporting, along with the appropriate documentation/inspection sheets for each BMP. All reports shall be provided to Community Development within the appropriate time frames;
5. The Conservation Commission recommends the applicant have their soils tested prior to the application of any fertilizers;
6. Sewer connection permits will be issued for each building individually, applications and fees for these permits must be submitted and paid prior to construction of each building;
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 agrees to, and shall pursue an easement or purchase of the Town-owned parcel to the west of Building A. Should the ability to utilize or acquire this parcel be realized, the applicant agrees to relocate the 19 parking spaces proposed to the northeasterly side of Building A to this area. Should the ability to utilize or acquire the Town-owned parcel not be realized, the subject parking spaces shall remain where proposed. Additionally, the applicant agrees that the access road shall not be moved until such time as this issue is resolved;

9. The applicant shall take over the monitoring/testing plan for the 4 existing monitoring wells on site as follows: Reports shall be provided monthly during earthwork construction, quarterly during all other site construction and semi-annually after construction is complete for a period of 2 years;
10. 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, and 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;
11. 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

Chairman Best announced the Office of Strategic Initiatives Planning & Zoning Conference scheduled for April 28, 2018.

The Planning Board approved Nelson Disco's draft of a questionnaire about the NRPC Route 3 Pedestrian Plan that would be distributed at polling places on April 10, 2018. Matt Waitkins from NRPC will discuss the plan at the March 15, 2018, Rotary Club meeting.

6. Approval of Minutes — February 20, 2018

The minutes of February 20, 2018, were approved, with one change, by a vote of 6-0-0, on a motion made by Lynn Christensen and seconded by Alastair Millns.

7. Adjourn

The meeting was adjourned at 10:55 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.