



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### Approved MINUTES

TUESDAY, OCTOBER 7, 2014

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Stanley Bonislowski, Desirea Falt, Lynn Christensen, Michael Redding and Alternate Nelson Disco.

Board members absent: None.

Community Development staff present: Planning and Zoning Administrator Jillian Harris.

#### 1. Call to Order

Robert Best called the meeting to order at 7:30 p.m.

#### 2. Planning & Zoning Administrator's Report

Stanley Bonislowski asked whether the end of the pipe had been found at the Valleyview project. Jillian Harris reported that it was found the day after the September 23, 2014, Planning Board meeting. A hydrant was installed last week and water main construction is now in progress. The stone wall has come down and still needs work. The road has not been paved. Alastair Millns noted that the applicant has until Thanksgiving to do so.

**3. Edgebrook Heights, LLC. (applicant) and Edgebrook Heights, LLC., Wigston Properties, LLC. and Q. Peter Nash 1987 Rev. Trust I (owners)** – Pre-submission hearing for consideration of an application to amend a previously approved Conditional Use Permit to permit a future mixed-use development consisting of retail, office, multifamily residential and assisted living. Parcels are located at # 1, 37, 39, 55 and an unnumbered parcel, D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 1E, Lots 004-01 & 004-02 and Tax Map 2E, Lots 006-02, 007 & 008.

Jillian Harris said that the proposed residential facility would be between the typical elderly housing development and an assisted living facility.

Attorney Brad Westgate, Winer & Bennett, said the 35-acre parcel was approved on August 8, 2014. The project consists of a cul-de-sac road with utility infrastructure, gas station, 156 apartment units, a one-story retail building, a 74-bed assisted living facility, and a two-story commercial office building or industrial use. After the infrastructure is done, Phase 1 will be the gas station, retail building and apartments. Four acres will house a senior community where the three-acre assisted living was planned. The fourth acre would come from the residential apartment lot.

Chris Trevisani, Director of Development, Calamar Enterprises, said there would be 111 independent living apartments. He described and showed photos of Calamar

communities and their amenities. The rental apartments would have a variety of 1-and 2 bedroom units of 865-1,075 square feet. He said the apartments would have a positive fiscal impact on Merrimack and a low impact on schools and infrastructure and keep residents in the community.

Attorney Westgate stated that, unlike assisted living, there is a density requirement for independent living. He asked whether the Planning Board thinks that 111 units on four acres are viable and an appropriate replacement for the assisted living facility. If so, the dimension requirements must be modified. Traffic consultant Steven Pernaw's preliminary study at peak p.m. hours found an inconsequential net trip increase.

The Board complimented the applicant on the design.

Chairman Best said that 37 additional units over the original 74 with an older age group would have little impact except for a possible additional acre of impermeable surface. Runoff would have to be managed and landscaping installed. He suggested building only a small portion of the parking lot in the beginning and doing the rest later only if needed. In Alastair Millns' opinion, there would be more traffic due to the lack of public transportation. There is no shopping nearby, so everyone will drive to shop for food and will drive more than Calamar's prediction of three times weekly. Stanley Bonislowski suggested that Edgebrook provide bus service. Chris Trevisani said that not every Calamar community has public transportation. Steve Pernaw will use standard methods rather than the cited average of three trips weekly. Tom Koenig and Stanley Bonislowski saw little distinction between five multi-family apartment buildings and this proposal except for a common area and a concierge. Tom Koenig said there are a tremendous number of residences in the Conditional Use Permit (CUP) area and the neighbors are concerned about the residential component. The original idea was a mix of residential, industrial and commercial components. In his opinion, the extra units weigh too far toward residential. Michael Redding said they would support the growth of the stores. He agreed that runoff must be minimized. Nelson Disco and Chairman Best wanted the architecture of the four-story building to blend with the other elements of the project. Stanley Bonislowski asked how to limit the number of people and children per unit if there is no targeted age group. Chris Trevisani said he has agreed to the federal 55+ and 62+ restrictions that limit the number of occupants. Chairman Best explained that 100% of the residents must be age 62 or older. Stanley Bonislowski said it must be stated in the documents.

Bernard Plante, Edgebrook Heights, said there would be sidewalks along the entry road. The residential apartments would be 750-1,300 square feet, which Stanley Bonislowski said is not much different from the assisted living.

Tom Koenig said a four-story building on D.W. Highway is a lot. The other three-story buildings are on the river and won't be seen. Chairman Best was glad to see a specific proposal for the development; he questioned whether assisted living would materialize.

There was no public comment.

Chairman Best agreed with Michael Redding that the residences would support the stores. Alastair Millns would approve if Nanocomp does. Stanley Bonislowski called this a unique opportunity that fills a niche and should be built first. Lynn Christensen suggested an on-site bus with predictable routine trips to relieve traffic at the intersection.

Stanley Bonislowski said the stores might supply a bus. Nelson Disco said the concerns are not insurmountable. There is a need for this type of living. He would like to see the basis for predicting 3-5 trips a day and whether public transportation would affect the traffic numbers.

Bernard Plante said he would comply with parking requirements. Chris Trevisani said he could “land bank” for future parking and build only what is needed now. He plans on 1.25-1.5 spaces per unit. Lynn Christensen noted that would reduce paving and runoff. Chairman Best said there would probably be a limited or no salt restriction.

Nelson Disco said the drainage design must accommodate full build-out of a sidewalk even if it is not completely installed. Chairman Best complimented the internal connectivity. Nelson Disco and Chairman Best said it must be pedestrian-friendly and walkable.

Tom Koenig reiterated that 267 residential units are too much for this size property and that there should be more commercial and retail use.

**4. John J. Flatley Company (applicant/owner) – Review for acceptance and consideration of Final Approval of an application for a Conditional Use Permit to permit a future mixed-use development consisting of industrial, multi-family residential, commercial, restaurant, and retail uses. Parcels are located at # 645, 673, 685, 703 and 707 D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05 & 003-06. *This item is continued from the July 22, 2014, August 5, 2014, September 9, 2014, and September 23, 2014, Planning Board meetings.***

Jillian Harris reported that the Master Site Development plan has been revised in response to Board comments and CLD has commented on the traffic impact study.

Chad Branon, Civil Engineer/Project Manager, Fieldstone Consultants, said the following changes were made as a result of the Board’s concerns at the August 5, 2014, meeting about connectivity, low impact design, and parking. Parking will be reduced and be more internal to the buildings, thus creating significantly more green space. Buildings will be repositioned along the perimeter of the parking area. Traffic circulation and connectivity will be improved. Access/connection to the common area will be added to the north. A sidewalk will be installed along D.W. Highway to service all buildings and tie into the internal sidewalk network. A trail system will be created on the perimeter at the two existing ponds, with a pocket park and gazebo and a seating area near the hatchery. Some trails may be paved. There will be more open space in the rear. There will be bio-retention basins and rain gardens. Parking lot sheet flow will go to a central drainage area. Some areas may have pervious pavement. The design will try to infiltrate rooftops. There will be localized recharge systems behind each unit. The east-west lot line will be revised to be more standard. Residential and commercial uses will be clearly divided. A waiver will be necessary for relief from density and residential requirements for 31 rather than 37 acres. Another waiver may be sought because the parking requirements exceed what is required. A 10’-high berm with vegetation on top will be constructed between the residential and commercial uses as an additional vertical buffer. Phase 1 will consist of constructing the four buildings, each with one central elevator and two stairwells.

Some commercial parking will be shifted to the sides of the buildings and landscape islands added. There will be a large buffer along D.W. Highway. Restaurant parking will be relocated from the north corner to the other end of the commercial area. The main entrance will be relocated between the restaurant and retail use rather than opposite the residences across D.W. Highway. Parking exceeds the commercial parking requirement. There will be an added connection and shared parking among commercial uses rather than a lot for each building. There will be internal parking, with a pedestrian way linking each building. The sidewalk will parallel the through road, which will be disconnected for a portion of D.W. Highway, but will then be internal to the site for the commercial portion. Internal traffic will consist only of people who want to shop or leave the site. Drainage and landscaping will be connected.

Chairman Best complimented the applicant for doing so much to answer the Board's comments. In his opinion, the last commercial use past the warehouse seems isolated and could make it difficult to find tenants. He asked if there is room to move it to the other side of the St. Gobain driveway. Chad Branon replied that it could not be moved because F.W. Webb may need some of the back area for drainage, some of it was already used for connectivity, the 50' setback from the highway leaves little room for retail, and there would have to be added parking space near the front.

Kevin Walker, John J. Flatley Co., said the 20,000 square feet might not be entirely retail. The building is good where it is. There could be a quick take-out or phone store in a piece of it. Chad Branon added that some uses, such as medical or pharmacy, might want to be detached and have their own parking lot. The site is marketable.

Desirea Falt liked the proposed changes. She and Nelson Disco suggested a sign encouraging people to continue walking on the sidewalk into the property and running it between the two retail buildings. Kevin Walker said the roads would be private and maintained by Flatley. Chad Branon said whether to phase the road system has not been decided. Michael Redding liked the idea of a pocket park with destination spots to sit and a theme tying the project together.

Michael Redding asked about a detention basin, which Chad Branon and Kevin Walker showed on the plan. That is the reason the lot line does not connect.

Alastair Millns was bothered by three additional curb cuts and preferred to remove one of them. Four cuts, four lights and no more tolls at Exit 12 will add to and disrupt traffic. There should be only one light. Alastair Millns suggested eliminating the cut in back. Chad Branon explained that there would be only one new light. Such a large site cannot be built at once. Eliminating curb cuts creates a larger project/internal infrastructure to get to the road. The cut at the southeast would service the first commercial user. Most of the cut's impact is in the commercial area. Nelson Disco and Stanley Bonislowski said the light is under Department of Transportation (NHDOT) control. Although Chairman Best did not want more lights, a big box store leaves little choice. However he questioned whether one would materialize. He accepted an unsignalized entry between two commercial units. Commercial and residential traffic on D.W. Highway are heavy at different times, but the residents will want to use it at peak hours. Apartments on the road will be the source of traffic. Kevin Walker said some turning lanes would be added. More will be known when the traffic study is revised for CLD review in 2-3 weeks. There would not be a new light until a big box store is built. Stanley Bonislowski wanted the

applicant to consider that the State might widen D.W. Highway. Chairman Best cautioned about making traffic worse. Chad Branon said it is important that the residents have a separate entrance/ curb cut strictly for them. Chairman Best said uncoordinated lights are more of an issue than curb cuts. Kevin Walker suggested waiting for CLD comments.

Chairman Best explained that there must be mixed use at every phase of the project and asked which commercial use would be in Phase 1 and how it would connect to the road. Kevin Walker said the big box store would be within walking distance of the residences and restaurant. In the Nashua project, the apartments were built first to attract retail businesses.

Stanley Bonislowski asked how the parking was calculated, which Chad Branon explained was done according to Town regulations, which are the most conservative for multi-family housing. A two-bedroom unit would have 2.5 spaces. There would be 110 one-bedroom units and 130 two-bedroom units, for a total of 240 units.

Tom Koenig was concerned about a connection behind a big box store. He asked how trucks would get in and out while keeping the passage. It should be more inviting and the connector road straightened. A buffer is needed because the fourth floor of one residential building would look over a big box store and two buildings would overlook a storage-type facility/F.W. Webb.

Kevin Walker suggested a site walk. There would be 400'-500' between the residential units and F.W. Webb. Some F.W. Webb land would not be cleared of trees; the woods would remain. He put much thought into where to locate apartment buildings and the big box store. That side of the building would not look like a big box. Chad Branon said there are 100' from the property line to the corner of the building at the closest point, which is three times the requirement, and there is substantial vegetation.

Luke Page, John J. Flatley Co., described the Nashua project/Tara Commons and vetting of the finances of potential commercial tenants. Stanley Bonislowski was concerned that there are four major apartment developments in Merrimack. Nelson Disco described the architecture of Tara Commons as "gorgeous". The townscape is visible from the road; it should be done in Merrimack. Michael Redding asked what elements would be similar to the Nashua project. Luke Page said the price is based on competition. Kevin Walker said the construction cost would be remarkably less than in Nashua because there would be no blasting. Michael Redding asked if the size would be the same as other projects. Luke Page said the focus would be on businesses that will impact residents, such as a convenience store, café or a medical facility. The shops would most likely be local. Kevin Walker explained that he decided not to put a Dunkin' Donuts in Nashua because there would be too much traffic impact. This development would be smaller. If there were a Dunkin' Donuts, it would have the same architecture as the rest of the project. There is no plan for a drive-through.

There will be 48 units in every four-story apartment building. Stanley Bonislowski suggested a second elevator. Kevin Walker said he never had a problem, but would install a second one if one were inadequate. Luke Page said an elevator was infrequently used because people prefer to use stairs. Residents would be all ages.

There were 180 apartments in Nashua's project, 80 of whom were children, not all of school age.

### **Public comment**

Chairman Best read an e-mail from Mark Derosier, 12 Lantern Lane, who requested adherence to Flatley's promise of a 150'-200' buffer from Lantern Lane, retention of vegetation within the buffer zone, positioning lights away from the Lantern Lane property line, limiting the number of resident parking spaces, limiting the entry and exit points and lights near the Homestead Restaurant and Hilton Drive, and positioning lights north toward St. Gobain. Neither Chairman Best nor Kevin Walker had heard about the promised buffer. Kevin Walker said he would exceed the buffer regulations by 3-4 times. Alastair Millns added that the regulations would keep lights from falling on the abutter. Kevin Walker said they would have shields, if needed.

Neal Baker, 65 Shelburne Road, who lives in the Webster Green condominiums, asked how the project would affect them. Kevin Walker stated that the traffic study would be revised. A new signal would be needed by Rochette Oil if there were a big box store. Chairman Best stated that there would most likely be no new signal near the condominiums. Neal Baker asked if there would be smells like those from St. Gobain. Kevin Walker said there would be one 120,000 square foot industrial building; all the others would be retail.

Chairman Best said there would be no problem with the number of units on the site because there would be water, sewer and enhanced green space. Nelson Disco said the layout is much better. He asked if the lot line would be redrawn to add to the residential lot now that F.W. Webb is gone. Kevin Walker said they have not completely abandoned the project. The land behind St. Gobain was always for industrial use. It has a power line and the railroad on the sides. Chad Branon does not consider the area available for increase. Nelson Disco said it would become a separate industrial parcel.

The Planning Board preliminarily approved of the proposed residential density.

**The Board voted 7-0-0 to schedule a site walk on October 25, 2014, at 9:00 a.m., on a motion made by Alastair Millns and seconded by Desirea Falt.**

**The Board voted 7-0-0 to continue this item to November 18, 2014, at 7:30 p.m., in the Matthew Thornton Room at 7:30 p.m., on a motion made by Alastair Millns and seconded by Lynn Christensen.**

### **5. Discussion/possible action regarding other items of concern –**

- Bowers Landing of Merrimack, LLC., discussion of revised plan depicting sidewalk layout

**At the applicant's request, the Board voted 7-0-0 to continue this item to November 18, 2014, at 7:30 p.m., in the Matthew Thornton Room, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

### **6. Approval of Minutes – September 23, 2014**

**The minutes of September 23, 2014, were approved, with changes, by a vote of 7-0-0, on a motion made by Lynn Christensen and seconded by Stanley Bonislowski.**

**7. Adjourn**

**The meeting adjourned at 10:24 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Tom Koenig.**