



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

## MERRIMACK PLANNING BOARD

### MINUTES

TUESDAY, MARCH 4, 2014

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

Planning Board members absent: Alternate Matthew Passalacqua.

Community Development staff: Community Development Director Tim Thompson, Planning and Zoning Administrator Nancy Larson, and Recording Secretary Zina Jordan.

#### 1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. Nancy Larson announced that March 5, 2014, would be her last day in Merrimack. She has accepted the position of City Planner for the City of Concord. Chairman Best congratulated Nancy Larson. He lauded her institutional knowledge, expertise, participation, and helpful advice. Alastair Millns added that Merrimack's loss would be Concord's gain. Nelson Disco praised Nancy Larson's integrity and good humor when enforcing zoning. Tom Koenig wished her good luck on behalf of Town Council.

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

Tim Thompson announced that March 14, 2014, is the application deadline for the job posting for the Planning and Zoning Administrator position.

#### 3. Presentation/Discussion - Rebecca Balke, P.E. of Comprehensive Environmental Inc. & Pennichuck Corp. presentation and discussion of the Pennichuck Brook Watershed restoration efforts

Rebecca Balke, Comprehensive Environmental Inc., said that Merrimack falls under the Environmental Protection Agency (EPA) MS4 Permit and must meet its requirements. Benefits of the restoration effort are to reduce storm water runoff and erosion, improve water resources, and protect the drinking water supply. Changes to the water balance by development are being studied. Goals of the restoration plan are to reduce pollutant loads, promote recharge and base flow, and to reduce infill of ponds. Rebecca Balke gave a history of the management program efforts and explained the watershed website, which also shows storm water improvements in Merrimack. Targets of the restoration plan will be achieved through public education, regulation, and private property management. Anticipated for the next few years are developing a school education program on watershed protection, working with the community to coordinate storm water permit compliance with watershed protection efforts, and investigating methods to

increase maintenance on private properties. The goal is to protect and improve water resources, control storm water runoff from new and redevelopment projects, and to maximize recharge. Storm water permitting requires compliance with NH storm water requirements, recharge and infiltration where feasible, and annual reporting on the increase and decrease of impervious area. Merrimack can estimate changes to the total impervious surfaces annually. The EPA will set up baselines and formulae. Reducing roof runoff through roof leader disconnection saves money and reduces the amount of phosphorous in the ground. Disconnection can be approached through public education, monetary incentives, working with organizations, using community staff or hiring contractors, or requiring an Ordinance. An informational source is NH Homeowner's Guide to Storm water Management: Do-It-Yourself solutions for Your Home. Rebecca Balke listed tools for quantifying the benefits of storm water permit tracking. She stated that watershed restoration and storm water permits have the same goals. Roof leader disconnection can be applied to new development.

Alastair Millns asked about salt. Rebecca Balke said it is not a big issue for the Pennichuck water supply. Storm water permits already have salt requirements. The State will require a lot of salt reduction in communities with high chloride levels, but there are no problems Merrimack. Chairman Best asked if there are data on salt in the watershed supply. Rebecca Balke said most sampling is for phosphorus rather than salt. Data on salt in groundwater began to be collected last year in limited sites.

Don Ware, Chief Operating Officer, Pennichuck Corporation, said different data are seasonal. Wells 6, 7, and 8 are in the Pennichuck Brook watershed. Surface water problems may show in underground water also. Recharge flows increase in summer to dilute the salt effect. He does not want to overuse salt on roads.

Chairman Best asked for definition of roof leader disconnection, which Rebecca Balke said refers to gutters and downspouts leading onto a public or on-site discharge site. Chairman Best added that it separates roof runoff into the ground rather than into the driveway and into public roadside drainage systems. In other words, it puts grass between impervious surfaces.

Nelson Disco noted that filtration removes phosphorous rather than salt from groundwater. Rebecca Balke said the aim is for water to go back to where it would have gone into the ground before a development was built. Don Ware said there is less groundwater in the brook system in summer because there is less recharge. The goal is to maintain the level of base flow.

Stanley Bonislowski opined that Merrimack requires too many parking spaces. Tim Thompson responded that the regulations were updated to reduce requirements last year. Nancy Larson urged the Board to consider maximum rather than minimum parking during site plan review. Rebecca Balke predicted that there will be a bigger push to re-evaluate parking lot and sidewalk standards and regulations that may be barriers to innovation. The aim is to produce less impervious area and to promote low-impact development.

When Michael Redding asked if Rebecca Balke has a wish list for Merrimack, she mentioned in general land use.

Chairman Best said the Planning Board is trying to limit the use of phosphorous in development and asked what percentage of it should be in fertilizers. Rebecca Balke has materials on the subject that she will use to reach out to Home Depot, Lowe's and Walmart. Don Ware stated that the rate of application/amount of phosphorous over the total surface is more important than the amount of phosphorous in a particular fertilizer. He hopes to develop an education program about lawns. Chairman Best noted that the Planning Board works with commercial and subdivision applications rather than with individual homeowners. He asked for landscape programs about fertilizers and pesticides it can recommend that are analogous to Green SnowPro for salt.

Chairman Best asked about recommending compost berms to keep runoff from going into local water. Don Ware did not know. He said that slowing storm water would eliminate the erosion of stream banks. UNH Storm Water Center has a lot of good research/information. It is best to reintroduce runoff into the ground and off site to get back to the original base flow.

**4. KJB Ventures, LLC. (applicant/owner) – Review for acceptance and consideration of Final Approval of an application for minor subdivision review proposing to subdivide one lot into two lots located at 4 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 3D, Lot 003-03.**

Tim Thompson said the subdivision at the corner of Dobson Way and Camp Sargent Road at the newer Shaw's Plaza is for the purpose of obtaining financing. At its February 26, 2014, meeting, the Zoning Board of Adjustment (ZBA) granted three variances: 1) to allow one lot to contain 98' of lot depth whereas 125' is required; 2) to allow for construction of a structure with a rear setback of 24' whereas 40' is required, and 3) to permit a lot with frontage on a private street whereas 125' of frontage on a Class V or better road is required. At its March 3, 2014, meeting, the Merrimack Conservation Commission (MCC) recommended low phosphorous fertilizer and Green SnowPro certification.

Attorney Greg Michael, Bernstein Shur, said both lots exceed the commercial lot size. Lot 3-1 has frontage on Camp Sargent Road. Medical and retail facilities are permitted uses. A subdivision will allow the owner to lease the lots.

James Petropulos, Vice President/Principal Engineer, Hayner/Swanson, Inc., said there would be cross-access and shared parking and utilities between the two properties. Attorney Michael said it would look like one lot with two buildings. The subdivision is for financing and leasing purposes only. While multiple buildings are permitted on the existing lot, subdividing the existing parcel means that each building would be situated on its own lot. This is the best way to get good tenants.

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 7-0-0 to accept the application for review, on a motion made by Lynn Christensen and seconded by Alastair Millns.**

There was no public comment.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

**The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Desirea Falt.**

1. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor and Certified Wetland Scientist shall also sign and seal final plans and mylars;
  2. 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) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
  3. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense). Said documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
  4. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
  5. The applicant shall address any forthcoming comments from the Conservation Commission as applicable;
  6. The applicant shall verify the proposed lot numbering is approved with the Assessing Department, and street addressing for the proposed lots with the Fire Department (and revise the plans accordingly, as necessary);
  7. Because the lot configuration is derived from the associated site plan for retail and medical office uses, the applicant shall obtain approval for the associated site plan concurrently with the approval of this subdivision;
  8. Address the following planning staff technical comments:
    - a. Please clarify note #10 regarding easements, as no proposed easements are shown on the plan. Staff recommends this note be revised to reference the associated site plan for the development of the property, and that any proposed easements be added to the plan as applicable
    - b. Add a note to the plan referencing the variances granted by the Zoning Board of Adjustment on February 26, 2014 (including Section #, and Case #);
    - c. Revise the plan to indicate the 24' rear setback for lot 3-3-1 that was approved per the variance granted by the Zoning Board of Adjustment on February 26, 2014.
- 5. KJB Ventures, LLC. (applicant/owner) – Review for acceptance and consideration of Final Approval of an application for site plan review to construct a proposed one-story, 5,044 s.f. professional office (medical) and a proposed one story 3,000 s.f. retail**

commercial building along with related site improvements. The parcels are located at 4 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 3D, Lot 003-01 and Lot 003-02 (proposed lots, per agenda item #4). **This item is continued from the January 7, 2014 and January 28, 2014 meetings.**

Attorney Greg Michael repeated that the site would look like one lot with two buildings and showed where the variances apply.

James Petropulos said the out-parcels were created in 2004. Dobson Way is a private road. Two one-story buildings with associated site improvements are proposed: a medical office/urgent care walk-in facility and a retail building. The access would be the same as it is now. There will be a driveway around each building and a total of 57 parking spaces: for clients at the north and for 12-15 employees in the rear. Storm water runoff would be captured on site through catch basins and a rain garden and ultimately discharge to the existing storm water basin located across Dobson Way. There will be less runoff, traffic and pavement than in the original plan. The buildings will have flat roofs with a peaked tower feature. A unique feature will be a recessed canopy with a sidewalk under it on the corner entrance. A Green SnowPro certified contractor would remove snow. It is hoped to begin construction in the spring with occupancy in the fall. The applicant agrees to CLD and staff comments.

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 7-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Desirea Falt.**

Stanley Bonislawski asked whether the buildings would be constructed simultaneously. James Petropulos said they would be.

Michael Redding asked about a buffer and lights next to the mobile home park. James Petropulos stated that, because several units were constructed on the applicant's property, he made easements and replaced the fence. There will be a buffer/8' cedar stockade fence on the applicant's side. There will be no spillover from the lighting.

Tim Thompson said staff reviewed the plan. There are no significant CLD comments.

Chairman Best asked about the distance from the edge of pavement to the mobile homes, which James Petropulos said is 25'-30', consistent with the other buildings. He showed the location of two dumpster pads. Delivery hours will be limited to normal business hours. There will be no drive-thru traffic. The Fire Department requires a designated ambulance space. Bill Wilkes, KJB Ventures, said no one would arrive on site in an ambulance; it is for transporting a patient to the hospital.

Desirea Falt asked about building colors, which James Petropulos referred to the color rendering provided.

Alastair Millns wanted rooftop mechanical equipment to be screened.

James Petropulos said 30 of the 57 parking spaces would be for the medical building. Chairman Best suggested making fewer spaces and noted that the MCC recommended using a low-phosphate fertilizer. James Petropulos agreed.

Nelson Disco asked about cross-easements for parking between the two buildings and the rest of the site. James Petropulos said the lots would be separate, with cross-access at the common property line. There will be no cross-parking between KJB and Shaw's Plaza. The 57 spaces exceed the 28 space parking requirement for both buildings. Each site will have its own parking spaces.

Tom Koenig asked about hours of operation, which James Petropulos said would be 9:00 a.m.-9:00 p.m., seven days a week for the medical facility. The hours of 7:00 a.m.-11:00 p.m. are listed for the unspecified user of the retail facility for flexibility. Chairman Best noted that other Plaza uses, such as restaurants, have longer hours.

Tim Thompson said he toured one of company's other medical facilities with their CEO and was impressed. It will be a nice fit for an underserved use in Merrimack.

There was no public comment.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

**The Board voted 7-0-0 to grant final approval, with the following conditions, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. 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) and any related documents at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
3. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense). Said documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
4. The applicant shall obtain any necessary state permits, provide copies of the permits to the Community Development Department file, and note the approvals in the notes on the plan;
5. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
6. The applicant shall obtain final approval of the associated subdivision plan for the parcel prior to, or concurrent with, the final approval of this site plan;
7. The applicant shall address the following comment from Merrimack Village District (from their 2/21/14 email):
  - a. A flushing hydrant or equivalent needs to be installed at end of main on 3D/3-3-2 Tenant B, to allow flushing of main;

8. The applicant shall address the following comments from the Fire Department (from their 2/19/14 memo):
  - a. The proposed building located on Tax Map 3D/3-3-1 shall have the address of 2 Dobson Way;
  - b. The proposed building located on Tax Map 3D/3-3-2 shall have the address of 4 Dobson Way;
  - c. As the proposed building to be located at 2 Dobson Way is described by the developer as a medical out-patient facility or medical clinic, a designated and clearly marked ambulance access location shall be required. This location shall be at a place agreed to by the developer and the Merrimack Fire Department;
  - d. The proposed buildings shall be protected by an approved NFPA-72 fire alarm system;
    - i. Plans for this system shall be submitted to the Merrimack Fire Marshal's office with a completed permit application and required fees for approval;
  - e. The proposed buildings shall be protected by an approved NFPA-13 fire sprinkler system;
    - i. Plans for this system shall be submitted to the Merrimack Fire Marshal's office with a completed permit application and required fees for approval;
9. The applicant shall address the following comments from the Wastewater Division:
  - a. The sewer line connections from the building on Lot 3D/3-3-2 must connect at a manhole for ease of cleaning and inspection;
  - b. Whereas this plan includes two separate buildings on two separate lots two wastewater permit applications are required. This will not result in any increased costs for review or connection fees;
10. The applicant shall address any forthcoming comments from the Conservation Commission as applicable;
11. The applicant shall verify that all comments from the Town's peer review consultant, CLD, have been satisfactorily addressed;
12. The applicant shall correct the spelling error of "existing" on all applicable sheets of the plan;
13. The applicant shall ensure that any rooftop mechanical equipment is screened from view in the architectural design of the two buildings, as applicable;
14. Address the following planning staff technical comments:
  - a. No proposed easements are shown on the plan; however easements appear necessary for access across the property lines of lots 3-3-1 and 3-3-2 (others may be necessary as well). Staff recommends that notes be added to reference the associated subdivision, and that any proposed easements be added to the plan as applicable;
  - b. Add a note to the plan referencing the variances granted by the Zoning Board of Adjustment on February 26, 2014 (including Section #, and Case #);

- c. Revise the plan to indicate the 24' rear setback for lot 3-3-1 that was approved per the variance granted by the Zoning Board of Adjustment on February 26, 2014;
- d. While note 9 on sheet 1 indicates that no salt or chemical de-icers are to be used for winter maintenance, staff recommends that this note be expanded to include the following, as typically required by the Planning Board: "winter maintenance to be performed by a Green SnowPro certified (or functional equivalent certification) contractor";
- e. The plans do not indicate the location of any freestanding signage for the parcels. Staff recommends that the applicant indicate the location of any proposed freestanding signage in the plan set, and include appropriate details for any proposed signage as applicable. In addition, please verify that the number and size of the wall mounted signs indicated in the building elevations comply with the requirements of the Zoning Ordinance;
- f. The applicant shall add notes to the landscape plan (sheet 12) indicating how the proposed landscape design complies with the buffer requirements of Section 10.01.4 of the regulations for buffer category "C" where the site abuts residential uses. Additionally, staff recommends substituting white spruce for the indicated columnar white pines along the southerly portions of the lots (as spruce is preferred for a buffer application due to better screening characteristics);
- g. The illumination plan (sheet 14) indicates a uniformity ratio of 4.28:1, which exceeds the maximum of 4:1 per the requirements of the regulations. The applicant should adjust the illumination design to ensure compliance with the regulations.

**The following general and subsequent condition is also placed on the approval:**

1. The Applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy.

**6. David Cossette, American Asphalt Paving Company (applicant) and Frank Twardosky (owner) – Review for acceptance and consideration of Final Approval of an application for a waiver of full site plan review proposing to park commercial paving equipment, vehicles and a modular office trailer at 759 D.W. Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 7E, Lot 042-01.**

Chairman Best informed the Board that, at its March 3, 2014, meeting, the MCC made no recommendations.

David Cossette, American Asphalt Paving Company, seeks a waiver of full site plan review and acceptance of his annotated plan so he will not have to pay an engineer if his application is denied. The soil is road-grade construction gravel, suitable for parking heavy equipment. There will be no paving or plowing. Leaching will be natural with no threat to the stream. The only chemicals or fuel will be the gas in vehicle tanks. Nothing will be fueled or washed on site; everything will be done off site. There will be three dump trucks, two pavers, three rollers, a bobcat, and two trailers. The site is very large.

Perhaps five rather than 15 automobile spaces for employees will be needed; many employees carpool. There will be no customer service.

Desirea Falt asked whether asphalt would be ground in the trucks and how vehicles would be cleaned. David Cossette said tools are cleaned on the job sites. Nothing leaks or harms the environment. His Hooksett yard is pervious.

Nelson Disco asked whether the stone yard will remain. David Cossette said it would. The fence will also remain. The fence will act as a border. There will be some sand and gravel on site for construction use, but there will be no asphalt or hazardous chemicals.

Nelson Disco wanted dimensions noted on the plan.

Chairman Best asked how the site would be buffered/screened from the road. David Cossette said everything would be off the road; nothing will be parked close to it. Equipment will be kept clean at all times but can be seen from the road. Chairman Best wanted trees and barriers. He suggested shrubbery in front because the area will be developed. David Cossette agreed to install shrubbery or a fence.

David Cossette said there would be a sign. Tim Thompson said there is a sign on the site now. A second sign could need a variance from the ZBA.

Chairman Best wanted a plan showing landscaping and lighting. David Cossette intends to install a camera and lights.

Chairman Best asked where runoff would go. Nelson Disco asked about an on-site septic system that is noted on the plan. David Cossette said there would be no office employee. The modular office trailer is only for meetings and to present a better image. There will be no septic system or running water. The parcel is split in two; the septic system supplies the stone house. His business does not use it.

Alastair Millns wanted more information before voting to accept the plan for review. Chairman Best said the Planning Board likes the concept, but the engineering must be designed correctly. The Board wants information about lights, where rainwater/runoff would go, screening from the road/buffer, setbacks, signs, dimensions, lighting, and distance of parking from the road. Desirea Falt and Nelson Disco agreed that the business is a good fit, but it must show how the land would be protected. Chairman Best said the Board wants a full site plan with details.

Tim Thompson noted that NH Department of Transportation (DOT) controls that section of D.W. Highway, so the driveway permit for access to Route 3 may have to be amended.

Nancy Larson noted that, if the frontage is more than 300', two signs may be installed without a ZBA variance.

**The Board voted 7-0-0 to table this item indefinitely, on a motion made by Stanley Bonislawski and seconded by Alastair Millns.**

**7. Old Blood Properties, LLC. and Joseph K. and Mary El Kareh (co-applicants/co-owners) – Preliminary Layout Review Hearing to discuss a road design approach off Madeline Bennett Way for the Chestnut Hill Cluster Subdivision located at Old Blood Road in the R-1(Residential) District. Tax Map 5B, Lots 001-01, 002, 003, 003-01, 005, 006, 007, 008, 009, & 231.**

Attorney Greg Michael, Bernstein Shur, reminded the Planning Board that it wanted a through road from Old Blood Road to Madeline Bennett Way for public safety. The road and lots have been pulled away where they abut the Meeting House subdivision.

Ken Clinton, Meridian Land Services, added that, on January 25, 2014, members of the Planning Board, Chairmen of the Town Council and MCC, and members of the public conducted a site walk of the parcels with Northview Homes and Meridian Land Services. The focus was access from Old Blood Road to the intersection with Madeline Bennett Way and where the access would deviate from its current location.

A hammerhead on Old Blood Road was approved years ago. The subdivision road will be in the same location as before, but the Public Works Department (PWD) does not want a “Y” intersection. It has not yet been decided where the stop condition will be. Old Blood Road transitions to the new subdivision road with a stop condition at the hammerhead/”T” with a stop sign. There will be no change to the south access.

The portion of Old Blood Road to Wilson Hill Road will be upgraded with a 24’-wide pavement and some shoulders though the existing right-of-way currently is 13½’-19’ gravel surface.

There will be one long road leaving the new intersection to the south that will connect and bend at Old Grater Road and go east to Wilson Hill Road. The goal is a 24’-wide pavement. The applicant will widen the road, remove trees and grade, causing some wetland impacts. Four culverts will be removed. There will be no sidewalks on that section because they will not fit. It is not a through road, so a sidewalk waiver should not be necessary. Chairman Best said a sidewalk is required on the frontage of a developed parcel, but this section is not frontage. Nancy Larson asked whether the section that needed a retaining wall that was never constructed would be graded instead. Ken Clinton said the slope was previously cut back. He could still build a retaining wall, but he prefers to cut the slope back farther.

As to the Madeline Bennett Way intersection, the Middle School entrance starts at the hammerhead pavement, which is awkward because people come through the cul-de-sac. A “T” intersection would be the simplest for the subdivision, but not for the school entry. Parent drop-off is the issue; cars stack well past the cul-de-sac. It is proposed to create an island with a raised curve in the middle of the cul-de-sac. The school entry/drop-off lane would be one way along the edge of pavement to allow for more stacking. A controlled school entrance is more functional and safer. The stop condition would be before entering traffic.

Desirea Falt asked how to keep apart traffic going in different directions leaving the school on Madeline Bennett Way to Baboosic Lake Road. Ken Clinton said there would be an island, stop signs, lines and arrows painted on the ground, and one lane for parent drop-off only. Desirea Falt and Nelson Disco were concerned about traffic going left of the island head-on into incoming traffic. Robert Best, Stanley Bonislowski and Nelson Disco suggested a roundabout for the school and the subdivision. Ken Clinton said the volume of parent drop-off would stack up in a roundabout. A parent-only lane controls their movement rather than letting them join other traffic. He prefers this option for safety. He worked within the parameters of an existing town intersection. The road narrows from 36’-wide to 22’-wide. The dirt section would be widened. The parent lane would be 12’ wide and two-way traffic would be 24’ wide. Nancy Larson asked whether there would be

traffic in one lane in each direction at the choke point. Ken Clinton said he would discuss details with Deputy Public Works Department Director/Town Engineer Kyle Fox. Stanley Bonislowski asked how one would know that parents are doing what they should rather than whatever they want. Ken Clinton said a separate drop-off lane would help, although he cannot guarantee it would solve the problem. He cannot control parent use of the school bus lane. Chairman Best said the southwest corner intersection choke point is 15'-16' between the island and the edge of the road. He asked whether school buses fit through the narrow point where it meets oncoming traffic. Ken Clinton replied that they do; he will design it to make it work. This is a preliminary rather than a final plan.

Ken Clinton said that water runs down Madeline Bennett Way to a wetland, re-channels, and enters elsewhere, creating a technical DES wetland impact. There will be several storm water collection points. Madeline Bennett Way is on a town-owned parcel and was never accepted and has no formal right-of-way, so it is available for storm water treatment. It will be a traditional detention area: water will enter the existing storm controls. There will be an outlet to the existing pond. The excavated ditch will be corrected/alleviated. Closed drainage at the low point of the road will catch water west of Old Blood Road and send it to Madeline Bennett Way to be treated and rerouted to enter the basin. There will be sidewalks, a 24'-wide paved way and closed and open drainage leaving Old Blood Road into the property. There is no need for road design waivers. There will be underground utilities, sewer and Merrimack Village District (MVD) water.

Chairman Best asked about changes made in how the open spaces connect. Ken Clinton said he drew 80 lots of 30,000 square feet in order to see what the density would be. After installing drainage, the excess lots will be removed and wildlife corridors created. There will be 71 cluster lots. The wetland crossing will be between Lots 46 and 47, the open drainage area will be between Lots 54 and 55, and a drainage area/wildlife corridor will be between Lots 13 and 14. Open space has a high value for separation and as a buffer for the internal lots. Technically there is surplus open space beyond the 50% requirement.

Nancy Larson asked if the project would be phased. Ken Clinton said a 6,000'-long loop road is too much to construct at one time. There will be a temporary hammerhead/turnaround at the steeper section of the road. There will be three phases of road construction for adequate and safe turnaround, but there will be no lot phasing.

Chairman Best suggested that Ken Clinton discuss the plan with the Middle School and asked how this plan differs from previous ones. Ken Clinton listed the connection points, upgraded Old Blood Road, sewer repair on Baboosic Lake Road, and all driveways compliant. The plan will comply with DES recharge and storm water guidelines and Merrimack storm water regulations. Nancy Larson wanted that noted on the plan.

Nelson Disco asked whether there would still be open space in the northwest adjacent to the existing Merrimack conservation parcel to make a large contiguous tract with Grater Woods. Ken Clinton said this is similar to the previous plan. It has internal open space recommended by the Planning Board. There will be four open space lots. The majority of open space is 80 acres at the south. On the west and north, 22 acres abut school conservation land and Grater Woods. The open space consists of 127 acres out of over 200 acres. Nelson Disco wanted to maximize the size of the overall Merrimack conservation land. Ken Clinton said he started anew after the previous consultant's plan.

This is the best configuration: it does not spread out the development to the south, it utilizes the natural terrain and has less impact. Nancy Larson said the wetland is the primary constraint against moving the layout to the south. Ken Clinton said that linking the uplands between the wetlands would make a greater footprint. Nelson Disco said large cuts and fill to make the roads, steep banks with sidewalks and a 10' drop-off might require installation of pedestrian guardrails according to ASHTO rules.

Nelson Disco noted that a cul-de-sac tangent to the property line would not leave enough width on the edge for a road. Lot owners do not want to share their property with the Town. It should be fixed. Chairman Best opined enough width could be created. Nancy Larson suggested noting it on the plan that the cul-de-sac is a temporary turnaround and will be deeded to the adjacent property owners when the road goes through so that the Town will not own or maintain it.

### **Public comment**

Margaret Pickett, 29 Merrymeeting Drive, is concerned that using Madeline Bennett Way is not a viable alternative. A separate entrance is not needed. She asked why the entire development could not be accessed from Old Blood Road and how parents leaving the subdivision would get to the school drop-off lane. Cars park on both sides of the road and leave on the center lane when there are school functions. Removing part of the center lane and replacing it with an island means the road will not be wide enough. She asked about water flowing onto her property. Ken Clinton said there are drainage easements to the meadow. Regulations do not allow increased flow or rate of flow off the property.

Barbara Chase, 23 Merrymeeting Drive, lives next to the drainage easement. The meadow is conservation land, but it is under 6' of water. The easements do not work very well. Drainage comes up through her basement floors; the yard at 17 Merrymeeting Drive is under water. Madeline Bennett Way was never constructed for this purpose. Barbara Chase's concern is the proximity of the road to houses, creating traffic, noise and lights. She prefers another location to the west and south. The wooded area is disturbed, the Class VI road bank is eroded and trees have fallen. No one is taking responsibility for the tree trunks that fell into her yard. She is afraid trees will fall on her house as a result of highway equipment vibration. The site walk was helpful. Ken Clinton said the current Old Blood Road would not be utilized for this subdivision. Fallen trees are not the result of development. The Town is not responsible. Erosion is because the steep bank was excavated years ago. The road will be moved away from it to the west. This is a much better design and creates an additional buffer from Merrymeeting Drive. It is a reasonable accommodation to shift the road. Drainage improvements will help the issues. Water in the basement is likely not to be the result of surface runoff. It will be intercepted and redirected around the Merrymeeting subdivision and will help the roadbed rather than create problems. Chairman Best noted that water would be directed to Madeline Bennett Way. Ken Clinton said that would be true in sections of the road. He will infiltrate as much as possible and go to the right-of-way next to Madeline Bennett Way. It does not flow to Merrymeeting Drive.

Tom Feller, 27 Merrymeeting Drive, asked how cars would get into the parent drop-off lane. He opined they would go left at the intersection instead. He suggested moving the road past the school for people coming from the new subdivision. The square footage

and price of the sites are not comparable to Merrymeeting properties. He asked whether cluster housing is for low-income residents. He wants a baseline to measure quantity, speed, and contaminants in water coming onto his property. Sidewalks add impervious material, so it will no longer be a rural area. Ken Clinton said moving the road west past the school is not feasible because of the terrain/25% slope. He committed to Tom Feller and his attorney that he will share drainage information as it becomes available. He does not comment on contaminants when doing a drainage analysis. The Planning Board requires sidewalks. Chairman Best said that relocating the road would encounter legal obstacles because there is no right-of-way to cross conservation land. Water could not be intercepted, causing more of an impact on the homes. Ken Clinton said there is no benefit to moving the road up the slope.

Kathy Stuart, 21 Merrymeeting Drive, agreed with what her neighbors said. Adding more than 70 homes would add more traffic to an already congested area. Water issues became worse when the Middle School was built. She asked how changes can be measured and about the neighborhood's septic systems and home values. Chairman Best said there was no peer review or Planning Board review of the school property because a government use does not require Planning Board approval.

In answer to Margaret Pickett's question about why Old Blood Road and Madeline Bennett Way are being connected, Chairman Best said it is to help neighbors, the subdivision, Old Blood Road, and Wilson Hill Road; to relieve pressure; and allow Fire Department access. The Planning Board asked the applicant to connect Madeline Bennett Way with a two-way access. It is a much better solution than pushing traffic further on a narrow road.

Chairman Best said the proposed layout is confusing and prefers a simple layout/"T" crossing. He wanted to see what other options Meridian Land Services rejected. He does not understand where a vehicle would go at the intersection and how parents coming from the subdivision would access the parent drop-off lane. Ken Clinton said he considered that there would be children in the subdivision and that parents would drive to school. He tried to solve an inherited problem and make it as safe as possible. He will discuss the matter with Kyle Fox. Chairman Best suggested making a straight bypass to the school with no island rather than a drop-off lane along the side of the road at the cul-de-sac. It would be simpler and would keep traffic off Old Blood Road. He suggested collaborating with the school system, even though it is not their decision.

Desirea Falt explained that cluster housing is not for low-income residents. The Master Plan seeks to preserve open space and lower infrastructure cost and maintenance. Open space belongs to the entire development, which is connected to it, rather than each home having its own open space.

Nelson Disco asked about the ultimate outfall of water crossing through Madeline Bennett Way and going north. Ken Clinton said it would cross Baboosic Lake Road. He will bring details to a future meeting.

Chairman Best complimented Ken Clinton for making changes: open space corridors, all driveways fit, hammerhead, pulling the road away from Old Blood Road, wetland, and detention ponds. However he does not like the configuration of Madeline Bennett Way.

Alastair Millns showed the current parent pick-up route. He wanted to make parents pick up children away from the road rather than widening it, making a parent pick-up lane separate from everyone else and making a straight “T” turn rather than an island.

Chairman Best said a sidewalk waiver along the offsite improvements to the south is not required.

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

##### **- Continue discussion from February 18, 2014 regarding Master Plan Implementation and setting up a subcommittee for Sidewalks/Pedestrian ways**

Chairman Best appointed Nelson Disco, Alastair Millns and Desirea Falt to act as the subcommittee.

Nelson Disco noted that the Town of Merrimack has a one-year applicability period for a variance, whereas the State has two and the State overrides local law. Tim Thompson will bring the matter to the Board for discussion.

#### **9. Approval of Minutes – February 18, 2014**

**The minutes of February 18, 2014, were approved with one change, by a vote of 6-0-1, on a motion made by Alastair Millns and seconded by Lynn Christensen. Tom Koenig abstained.**

#### **10. Adjourn**

**The meeting adjourned at 11:02 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by Lynn Christensen.**

## Timothy J. Thompson

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**From:** Timothy J. Thompson  
**Sent:** Thursday, March 13, 2014 8:53 AM  
**To:** Alastair Millns; Desirea Falt; Lynn Christensen; mattpassalacqua@gmail.com; Michael Redding; Nelson Disco; Robert L. Best; Stanley Bonislowski; Tom Koenig  
**Cc:** Donna Pohli  
**Subject:** FW: Follow up to Planning Board Meeting - Pennichuck Corporation

Follow-up from Rebecca Balke from last week's presentation below.

*Timothy J. Thompson, AICP  
Community Development Director  
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*"Growth is inevitable and desirable, but destruction of community character is not.  
The question is not whether your part of the world is going to change.  
The question is how." -- Edward T. McMahon, The Conservation Fund*

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**From:** Rebecca Balke [<mailto:rbalke@ceiengineers.com>]  
**Sent:** Wednesday, March 12, 2014 4:15 PM  
**To:** Timothy J. Thompson  
**Cc:** 'Ware, Don'  
**Subject:** Follow up to Planning Board Meeting - Pennichuck Corporation

Hi Tim,

I wanted to follow-up with some of the information requested by the Planning Board at last Tuesday's meeting:

Low Phosphorus Fertilizers: A soils test is the best way to determine the phosphorus needs and type of fertilizer to use. Generally, a new lawn may require more phosphorus, while an established lawn requires much less (<3% is considered a low phosphorus fertilizer), but zero phosphorus may be appropriate depending on the soils test. Correct application is also important. Additionally, NH Revised Statutes Annotated (RSA) 431:4-b became effective January 1, 2014 restricting the nutrient content of fertilizers. Restrictions on phosphorus are provided below:

***"431:4-b Phosphorus Content of Fertilizer. –***

*I. No fertilizer sold at retail that is intended for use on turf shall exceed a content level of 0.67% available phosphate unless specifically labeled for establishing new lawns, for repairing a lawn, for seeding, or for use when a soil test indicates a phosphorus deficiency.*

*II. No fertilizer sold at retail that is intended for use on newly established or repaired lawns, or for lawns testing deficient in phosphorus shall exceed an application rate of one pound per 1,000 square feet annually of available phosphate.*

III. No natural organic turf fertilizer shall exceed a per application rate of one pound of available phosphate per 1,000 square feet when applied according to the instructions on the label.

**Source.** 2013, 42:5, eff. Jan. 1, 2014.”

**Landscaper Certification:** The New Hampshire Landscape Association (NHLA) offers a voluntary certification program for landscape professionals in New Hampshire.

**Recommendations Specific to Merrimack:** One board member asked if there were any hot spot areas in Merrimack that the Town should be aware of or areas they should focus on. As mentioned at the meeting, the Pennichuck Restoration Plan pollutant load model was based on land use cover, with more urbanized areas producing higher pollutant loads. The recommendations focused on how to reduce the overall loads in the watershed to meet water quality goals, with several watershed-wide measures recommended. These included public education, private maintenance in commercial areas, regulatory controls, and evaluation of sediment inputs and controls. The study also evaluated the top ten potential Best Management Practice (BMP) retrofit sites to improve water quality. These are generally sites with large impervious areas where existing BMPs offer little water quality improvement due to lack of maintenance or because it was designed for flood control and not water quality. Conceptual design improvements and drawings were prepared for each of the ten sites and are included in Appendix H of the plan. One of these, BMP #1 – PC Connection Wet Pond, is located within the Town of Merrimack. This project is a good candidate for 319 funds through NHDES, but would require coordination with and cooperation of the site owner. You can review the full Watershed Restoration Plan at Pennichuck’s website: [http://www.pennichuck.com/watershed\\_restoration\\_plan.php](http://www.pennichuck.com/watershed_restoration_plan.php). Recommendations are included in Section 6.0.

Feel free to contact me if you have any questions or require any additional information. Thanks.

**Rebecca Balke, P.E.**

**Principal, Project Manager**

**Comprehensive Environmental Inc.**

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