



Town of Merrimack, New Hampshire

Community Development Department

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Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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MERRIMACK PLANNING BOARD

MINUTES

TUESDAY, MARCH 20, 2012

Planning Board members present: Robert Best, Alastair Millns, John Segedy, Nelson Disco, Tom Koenig (arrived 7: 35 p.m.), Lynn Christensen, Michael Redding, and Stanley Bonislowski.

Community Development staff: Assistant Planner Jeff Morrisette and Recording Secretary Zina Jordan.

1. Call to Order

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

2. Planning & Zoning Administrator's Report

None.

- 3. Hecht Merrimack, LLC (applicant/owner) – Review for** Acceptance and consideration for Final Approval of an application requesting waiver of full site plan review to permit a proposed change of use to convert an office/retail building (approximately 9,700 s.f.) to a childcare facility in the C-2 (General Commercial) and Aquifer Conservation Districts. The property is located at 706 Milford Road. Tax Map 2B Lot 004-2.

Tom Koenig arrived at 7:35 p.m.

Attorney Greg Michael, Bernstein Shur, said that conflicts with DJ Square were resolved last year with parking, access and dumpster location easements. The small wetland is not on this site. The only proposed change is removal of some impervious surface/six parking spaces for a 5,000 square foot State-mandated play area adjoining the existing building. The client, Learning Experience, is a national firm. The building was formerly used for office and retail use. At its February 22, 2102, meeting, the Zoning Board of Adjustment (ZBA) granted variances to allow the proposed daycare facility within the General Commercial and Aquifer Conservation Districts. The Merrimack Conservation Commission (MCC) likes the removal of some impervious surface and changing it to pervious surface. The regulations do not specify the number of spaces for a day care facility. Cars would come and go to drop off and pick up children. The intersection is signalized. The facility would be open only on weekdays and not weekends, so there would be no conflict with Church traffic. The maximum enrollment is 148. There would be a maximum of 21 teachers and two other staff people, 30% of whom would be part time. There would be enough parking even

if all staff were full time. The total number of children in each age group is restricted. There would likely never be 100% occupancy; it would usually be 65%-75%.

Hours of operation would be 6:00/6:30 a.m.-6:00/6:30 p.m. Drop-off can be throughout the day, with the most common period from 6:00 a.m.-8:30 a.m., and pick-up with the most common period from 4:30 p.m.-6:00 p.m. The maximum expected numbers for drop-offs is: 9 children from 6:30-7:00 a.m.; 23 from 7:00-7:30 a.m. 35 from 7:30-8:00 a.m. and from 8:00-8:30 a.m.; then tapering off to 23. The maximum capacity for pick-ups is: 9 children from 3:30-4:00 p.m.; 23 from 4:00-4:30 p.m.; 35 from 4:30-5:00 p.m. and 5:00-5:30 p.m.; and 23 from 5:30-6:00 p.m. and 6:00-6:30 p.m. Parents would escort children to the door and staff would escort them to appropriate rooms, with an average drop-off and pick-up time of 4-6 minutes. 20%-25% of cars would hold more than one child. During a fire drill, children would be escorted through the play area to a gate and away from the building, which would have sprinklers.

The Board voted 7-0-0 to **accept** the application for review, on a motion made by John Segedy and seconded by Lynn Christensen.

There was no public comment.

Andrew Manning, Bohler Engineering, said primary access would be from the access road leading to the rear of the church property and a driveway out onto Amherst Street. Six spaces would be removed in front of the building for the play area. A trench drain at the front sidewalk would be relocated or rebuilt, shifted to a new curb and connected to the existing system. There would be no changes to the drainage system. The 42 parking spaces conform to the easement documents. During peak period, 35 children enter and exit in a 30-minute period of time. There would be six, five-minute drop-off and pick-up periods/blocks with an average of six cars in the parking lot. There could be fewer or up to 10 cars at a time. Using 22 spaces for employee parking would leave 20 spaces empty. 42 spaces are adequate during the peak rush. There would be 14 spaces in the primary drop-off area of the access road. Children would walk on a sidewalk on the south to the main access. There would be a new canopy and entrance with sidewalks all around. There would be either a coded entry or someone who would allow a person entry at a check-in site. Doors would be locked and video cameras installed. There would be emergency playground egress and doors to the outside in every room in case of a fire. A fence would prevent children from running onto Route 101A. 1-2 classes of similar age would go out at the same time.

Andrew Manning explained a handout with the parking configuration and size of four similar day care sites in commercial areas. Attorney Michael said that employees would park the farthest distance away. Nelson Disco noted that the other sites mentioned do not share parking or access with other commercial uses. Attorney Michael said the 42 spaces for the facility would not be shared. DJ Square has 48 spaces. Egress onto Route 101A has been shared for a long time. Nelson Disco asked whether the applicant considered parking spaces on

the east. They would be closer to the entrance and there would be no need to walk across the main vehicle entrance, which would be safer. Andrew Manning explained that the primary issue is Parking Easement A. All proposed parking is part of this building's use by right. Attorney Michael explained that there has been cross-parking for a long time. Some parents would drop off children on the east side even though it is not according to plan. Children would be escorted. Most drop-off hours are when DJ Square is not open.

Nelson Disco asked about a chain link fence, which Andrew Manning said would run off the edge of the curb to encourage the use of the parking area. People would have to walk around the fence if they use the other 17 spaces. Nelson Disco opined that a sidewalk would facilitate its use, but Chairman Best said it is not theirs to use. Andrew Manning stated that there would be a 6' high solid vinyl stockade fence around the play area so that children's hands would not get stuck in it and so that no one could see through it. Jeff Morrisette referred to Staff Technical Comment #3.

Andrew Manning said the primary play area surface would be mulch over earth. Sunshade areas would be adjacent to the building under awnings. The play area would also have a concrete slab for a picnic bench. Mullions and glass could be removed from the windows for access to the outside. Every room would have access to a concrete walkway.

Alastair Millns doubted that a five-minute pick up is realistic; it will take 10 minutes. The facility being on a major intersection and staff leaving PC Connection would be major problems for 70 children leaving between 4:30-5:30 p.m.

Nelson Disco asked whether Pennichuck Water was notified. Jeff Morrisette said they are satisfied and have no comment.

Nelson Disco asked about notification of owners adjacent to the property, which Attorney Michael said had been done. Jeff Morrisette noted that there is no requirement to notify tenants.

Nelson Disco suggested that information about drop-offs and pick-ups be put on record.

Alastair Millns asked about monitoring CO/traffic fumes from idling cars. Attorney Michael suggested assuming a 10-minute pick-up. Andrew Manning stated that the Building Permit would show what are appropriate uses. Fire safety issues are part of the Building Code. Jeff Morrisette said the Fire Department is performing a careful review and would probably require sprinklers and consider other issues. CO monitoring may be within their purview.

Chairman Best worried about street traffic as well as parent traffic. Andrew Manning said that, if 10 minute parking were the average with one child per car, 12 parking spaces would be required in one half hour; 17 spaces would be required for 34 cars if 15 minutes were the average. This is highly conservative.

He repeated that 42 spaces would be provided with 22 used by employees. That would leave 20 empty spaces, which is still satisfactory.

Nelson Disco asked where employees would park, which Attorney Michael said is way in the back. Andrew Manning said parent and children's convenience is the primary consideration.

Stanley Bonislowski opined that the circular flow would be tight. Andrew Manning has no concern with the layout/turning radius and stated that parents would become accustomed to the pattern. Stanley Bonislowski said they would all back up rather than go forward for more visibility. Tom Koenig said it is very difficult to get into the 11 spaces by the Church. Cars would back up and people would walk between cars when PC Connection exits onto Route 101A. It would be a nightmare getting out of the lot. Most of the parking is inaccessible. There would be 30 cars in half an hour. Attorney Michael suggested considering the peak traffic times. Chairman Best said that staff would back out of the dead end. It is a difficult configuration. Alastair Millns suggested asking the Bishop of Manchester whether he would allow the use of the St. John Neumann Church lot for staff parking. Attorney Michael said he would reconsider parking. Andrew Manning explained that what appeared to Nelson Disco as a set of stairs near the handicapped spaces on the plan is a handicap accessible ramp to the top of the sidewalk with a 6" elevation.

Attorney Michael noted that there is no number of required spaces for a day care facility. Jeff Morrisette agreed, noting that the Planning Board could decide if it has sufficient information to justify 42 rather than 53 spaces. If so, there is no need for a parking waiver; if not, a waiver is required.

The Board voted 7-0-0 to **accept** the data presented by the applicant and to approve 42 parking spaces for the proposed day care use, on a motion made by Nelson Disco and seconded by Lynn Christensen.

Alastair Millns said a sidewalk waiver is justified because of the specific circumstances (shape and location) relative to the site. A sidewalk cannot fit there. It would encroach on the required play area space and would achieve nothing because children should not walk outside the facility. Stanley Bonislowski and Tom Koenig disagreed that there is no room for a sidewalk. Although it is not necessary, Tom Koenig preferred a sidewalk on Amherst Street than on the access road. Chairman Best noted that the goal of a sidewalk is safety for pedestrian traffic. However the Board does not want children to walk on Amherst Street or the access road. This is a unique site with the reverse of the rationale for a sidewalk. John Segedy said a sidewalk is appropriate on Route 101A for adults. Stanley Bonislowski said it would connect to the existing sidewalks. Andrew Manning noted a bituminous concrete sidewalk on Amherst Street. Attorney Michael said a sidewalk on Amherst Street would accomplish nothing and would not be used. The Town would have to maintain it.

The Board voted 6-1-0 to **waive** the requirements of Section 7.04(4)(r) – Sidewalks - of the Subdivision Regulations, for the access road, on a motion

made by Alastair Millns and seconded by John Segedy. Michael Redding voted in the negative.

Attorney Michael asked for a two-week postponement to look again at parking, pick-up and drop-offs and to update the plan concerning the sidewalk on Amherst Street. Nelson Disco suggested looking at the possibility of more parking to the southeast at the DJ Square easement.

The Board voted 7-0-0 to **waive** full site plan review, on a motion made by Alastair Millns and seconded by John Segedy.

The Board voted 7-0-0 to **continue** this item to April 3, 2012, in the Town Hall Meeting Room, at 7:30 p.m., on a motion made by Nelson Disco and seconded by Alastair Millns.

4. Discussion and possible action regarding other items of concern

Patricia L. Twarog - Voluntary Lot Merger for Tax Map 6A-2, Lots 113 and 120, also known as Rennie Road and # 21 Longa Road, respectively.

Paul & Beverly Fulling - Voluntary Lot Merger for Tax Map 6C, Lots 132 and 132-1 also known as # 116 Joppa Road and 86 Patten Road, respectively.

Rough Diamond Development, LLC and John F. Dunn, Manager – Voluntary Lot Merger for Tax Map 2D, Lots 011, 012 and 013, also known as # 135 Daniel Webster Highway, # 133 Daniel Webster Highway and # 131 Daniel Webster Highway, respectively.

Chairman Best announced that the mergers were signed today.

Nelson Disco said that he, Stanley Bonislowski, Michael Redding and Community Development Department Staff attended the March 8, 2012, Emery and Garrett presentation to the Merrimack Village District (MVD) about the study of salt use on roadways. Data were accumulated about sodium and chloride in wells. The sodium level, which is an aesthetic or “taste” standard, was probably exceeded, although it has recently been lower. There were several chloride spikes over the years, although the high levels went down. A report will be issued in April 2012. It is Nelson Disco’s opinion that the wells are in jeopardy. A study about using new techniques and reducing salt is helpful to the Town. There is no good correlation between the amount of salt used and how much is in the wells. Several tons are used yearly. The Town has done a lot to reduce salt use. There is a risk to allow more salt to go into the wells under any circumstances. Michael Redding said it is a very complex issue with no really good solution. Another way to de-ice surfaces that is environmentally friendly must be found. Until then, the current practice will continue. Protecting the environment must be balanced with public safety. John Segedy noted that other sources, such as construction, contribute to chloride levels. Stanley Bonislowski said that the Department of Transportation (DOT) uses liquid salt in an effort to see what is effective. MVD could study the possibility of looking into where drainage and runoff come from. Chairman Best said it is hard to know if the Aquifer

Conservation District lines are drawn correctly if the source of the salt is unknown. Nelson Disco said the watershed around a well is used for the lines. Stanley Bonislawski said weather was never considered as a factor. The study must begin again. It is a Town-wide issue. Michael Redding said it is a critical issue, but not so serious that it causes cancer, for example.

4. Approval of Minutes

The minutes of January 3, 2012, were **approved**, with changes, by a vote of 7-0-0, on a motion made by John Segedy and seconded by Alastair Millns.

The minutes of February 21, 2012, were **approved**, with changes, by a vote of 7-0-0 on a motion made by John Segedy and seconded by Alastair Millns.

5. Adjourn

The meeting **adjourned** at 9:15 p.m., by a vote of 7-0-0, on a motion made by Alastair Millns and seconded by John Segedy.