



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

MAY 1, 2012

APPROVED MEETING MINUTES

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, May 1, 2012 at 7:30 p.m. in the Town Hall Meeting Room.

Members of the Board Present:

Alastair Millns, Secretary
Nelson Disco
Councilor Thomas Koenig
Michael Redding
Dr. John Segedy
Stanley Bonislowski, Alternate
Pete Gagnon, Alternate

Members of the Board Absent:

Lynn Christensen
Councilor William W. Boyd, III, Alternate

Staff Also in Attendance:

Nancy Larson, Planning & Zoning Administrator
Dawn MacMillan, Recording Secretary
Kathleen Sullivan, Esq., Wadleigh, Starr & Peters, P.L.L.C.
Peter Weeks, Cuoco & Cormier Engineering Associates, Inc.
Robert B. Welts, Esq., Welts, White & Fontaine
Gordon Leedy, Jr., Dir. of Land Devel., VHB., Inc.

1. CALL TO ORDER

Chairman Best appointed Alternate Bonislowski as a voting member in the absence of Member Christensen.

2. PLANNING & ZONING ADMINISTRATOR'S REPORT

Ms. Nancy Larson informed the Board, with the exception of a few remaining banners in the front of the site, temporary signage has been removed from the Galaxy Gas facility located on Daniel Webster Highway. Ms. Larson noted staff met again last week to review possible revisions to the parking calculations in the sub-division regulations and are hopeful to be able to forward recommendations to the Board in the near future.

Chairman Best noted the next meeting of the Merrimack Planning Board would be conducted on May 15, 2012 and the next meeting of the Master Plan Steering Committee on June 12, 2012.

It was noted the representative for the application identified as #3 requested the item be pushed back on the agenda.

MOTION BY MEMBER MILLNS TO AMEND THE AGENDA BY PLACING ITEM 3 AFTER ITEM 6
MOTION SECONDED BY MEMBER SEGEDY
MOTION CARRIED 7/0/0

3. **History Framed, LLC. (Applicant) & Lumitron, LLC. (Owner)** - Review for Acceptance and consideration of Final Approval of an application requesting a retail use in the I-1 (Industrial) and Aquifer Conservation Districts, located at Riverside Business Park, 25 Depot Street, Merrimack, NH. Tax Map 6E-1, Lot 060-25.

When asked, Ms. Larson stated staff had no particular comments on the application.

Dr. Segedy spoke to the Addendum to the application for Nonresidential Site Plan Review, which was included in the board's packet without the benefit of a copy of the application itself, and was not dated. Ms. Larson suggested it was likely the Addendum was submitted the same day as the application and would have been attached to the application. She remarked practice has been to date stamp the first page of the application. Dr. Segedy suggested applicants should include a date on all information provided.

Kathleen Sullivan, Esq., introduced herself as the attorney for History Framed, LLC, and noted she was accompanied by Ms. Debra Naylor, a principal of the company. She stated the purpose of the application to be a request for Change of Use for a condominium unit at Riverside Business Park Condominium. At present, the unit is unoccupied. It was previously occupied by an office and materials storage by a ventilation contractor.

Attorney Sullivan noted History Framed LLC proposes to operate a production facility and business office on the site. The applicant is in the business of producing historical prints, which are matted, framed, and shipped out to customers. Although truly a production facility, under the zoning ordinances, the use is considered retail because product is shipped directly to customers. She stated there are no customers entering the business off the street as is the case with a typical retail business. She informed the Board, variances have been obtained from the Zoning Board of Adjustment to permit retail in the I-1 (Industrial) and Aquifer Conservation Districts.

The applicant is requesting two waivers; full site plan review and parking. Attorney Sullivan stated nothing is occurring with respect to changes to the site; this is a change of the internal use of the operation. Staff has calculated 17 spaces would be required, which would be more than the number of spaces allocated to this particular unit. There are 3 employees at the business requiring parking. The loading area would accommodate product dropped off or picked up for delivery. The Board was provided with photographs depicting the average number of cars parked at the facility.

MOTION BY MEMBER SEGEDY TO ACCEPT JURISDICTION
MOTION SECONDED BY MEMBER DISCO
MOTION CARRIED 7/0/0

MOTION BY MEMBER DISCO TO GRANT THE WAIVER OF FULL SITE PLAN REVIEW
MOTION SECONDED BY MEMBER SEGEDY
MOTION CARRIED 7/0/0

Public Comment

Raymond Pouliot, Pastor, Riverside Christian Church, 27 Depot Street. Mr. Pouliot informed the Board he was speaking as a member of the Board of Directors of the Riverside Business Park Condominium Association. He stated the Board of Directors has no objection to the proposed use of the property.

Hearing no further comment, Chairman Best declared the public hearing closed. Chairman Best questioned whether Board members wished additional details related to the request for parking waiver.

Dr. Segedy asked about the required number of parking spaces. Ms. Larson noted Director Thompson's memo speaks to a requirement of 17 spaces; 4 for office and 13 for retail use. She added, per the 1987 site plan, 10 spaces were allocated to the units based upon uses approved at that time. A parking waiver is needed for 7 spaces.

Dr. Segedy noted all of the structures have not been constructed resulting in additional parking available on the site. Ms. Larson stated her understanding two buildings have not been constructed although some of the associated parking spaces have been.

MOTION BY MEMBER DISCO TO WAIVE THE PARKING REQUIREMENT UNDER SECTION 7.02 DUE TO THE FOLLOWING: STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP TO THE APPLICANT AND WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE REGULATIONS.

MOTION SECONDED BY MEMBER SEGEDY

MOTION CARRIED 7/0/0

MOTION BY MEMBER MILLNS TO GRANT FINAL APPROVAL FOR THE USE WITH THE FOLLOWING CONDITIONS TO BE FULFILLED WITHIN 6 MONTHS AND PRIOR TO PLAN SIGNING, UNLESS OTHERWISE SPECIFIED:

1. Final plans to be signed by the Applicant and Property Owner,
2. Any waivers granted shall be listed and fully described on the Final Plan; and
3. Address planning staff technical comment; the Applicant work with staff to prepare a Final Plan that clearly describes the proposed use, lists the total square footage, the location of the proposed use, the maximum number of employees, detailed parking calculations, and any waivers granted by the Board.

MOTION SECONDED BY MEMBER SEGEDY

ON THE QUESTION

Attorney Sullivan questioned whether the existing site plan could be utilized and marked up. Ms. Larson stated that would be acceptable.

MOTION CARRIED 7/0/0

4. **Cuoco & Cormier Engineering Associates (Applicant) & Edward & Cheryl Keeler (Co-Owners) & Daniel P. Johnson & Linda Sobel (Co-Owners)** - Review for Acceptance and consideration of Final Approval of an application proposing a Lot Line Adjustment between the properties located at 314 & 316 Baboosic Lake Road, Merrimack, NH. Tax Map 6A-2, Lots 149 & 150.

Ms. Larson provided the Board with the following historical information; a previous lot line adjustment plan was recorded at the Registry of Deeds to correct an encroachment of the leach field for 316 Baboosic Lake Road onto 314 Baboosic Lake Road. At present, the applicants are looking to address an encroachment onto the same parcel. Ms. Larson noted the applicant appeared before the Zoning Board of Adjustment on April 25, 2012 seeking an Equitable Waiver of Dimensional Requirements to allow a pool filter & heater to remain in its current location. With the lot line adjustment plan, the structure would be 2' feet away from the property line whereas at present, it is partially encroaching onto the property located at 314 Baboosic Lake Road.

Mr. Peter Weeks, Cuoco & Cormier Engineering Associates, Inc., representing the applicants, provided the following historical information; in May of 2002 his company was retained by Daniel Johnson and Linda Sobel, owners of Map 6A-2, Lot 149 (314 Baboosic Lake Road, Southerly abutters) to determine the common line between the two lots. The survey resulted in the common boundary line, per the record plan and Deeds, partially encroaching into the in-ground swimming pool located at 316 Baboosic Lake Road. The survey was based on record plan 12857, which was approved by the Planning Board in 1980. The purpose of the plan was a lot line relocation to address the septic system for Lot 150 encroaching onto lot 149. At that time, lot 149 was undeveloped.

The present owners of lot 149 purchased their property in 2004. Lot 150 was purchased by the Keelers in January of 2005. The swimming pool was in place when the Keelers purchased the property, and according to past records, was installed in 2003. Mr. Weeks informed the Board the Keelers retained a second surveying company to reaffirm the initial survey, which resulted in the same finding. As a result of the survey, a lot line adjustment has been prepared.

Mr. Weeks commented both parties have expended a great deal of time to arrive at what they believe to be the best solution to address the issue. All parties have agreed to the proposed new lot line as shown on the plan. All zoning requirements have been met with the exception of the existing pool heater and filter. An Equitable Waiver of Dimensional Requirements for the pool heater and filter was approved at the April 25, 2012 Zoning Board of Adjustment meeting.

Mr. Weeks commented the proposed lot line is irregular partially due to minimum dimensional requirements. He noted Lot 149 is already nonconforming (66,389 sq. ft. where 80,000 sq. ft. is required). The proposed lot line had to avoid increasing the nonconformity of lot 149. Both parcels are limited to 200' of frontage. The proposed lot line also had to conform to the 12' setback requirement for the pool. It was also noted the Keeler's shed is currently located on Lot 149. The lot line adjustment will result in the shed no longer encroaching. It did not require a variance to be located within the setback area as it is under 160 sq. ft. in size.

As depicted on the plan, the lots have been separated out into 3 separate parcels to make up an even area transfer between the two lots; Parcel A on the front of Baboosic Lake Road (1,000 sq. ft.) would transfer from Lot 150 to Lot 149, Parcel B (pool area) (2,732 sq. ft.) would transfer from Lot 49 to Lot 150, and Parcel C, located in the rear (1,732 sq. ft.) would transfer from Lot 150 to Lot 149.

**MOTION BY MEMBER SEGEDY TO ACCEPT JURISDICTION
MOTION SECONDED BY MEMBER DISCO
MOTION CARRIED 7/0/0**

Chairman Best opened the floor to questions by the board. Mr. Disco questioned whether pins and/or markings would be placed along the property lines. Ms. Larson noted the areas are called out on the plan; however, more easily seen on the larger plans. Mr. Weeks stated them to be located at each inflection point. When asked, he stated nothing has been set; however, being proposed is the use of iron pins. Mr. Disco noted the stone wall in the front of the property. Mr. Weeks remarked there is an existing iron pipe, which was discovered during the original survey. Mr. Disco questioned whether all parties involved are pleased with the proposal, and was informed they are.

Public Comment – None

Chairman Best declared the public hearing closed.

**MOTION BY MEMBER SEGEDY TO GRANT APPROVAL OF A LOT LINE ADJUSTMENT WITH
THE FOLLOWING CONDITIONS TO BE FULFILLED WITHIN 6 MONTHS AND PRIOR TO PLAN
SIGNING, UNLESS OTHERWISE SPECIFIED:**

1. Final plans and mylars to be signed by all property owners. The Licensed Land Surveyor shall also sign and seal final plans and mylars. In addition to the recordable mylar sheet, the applicant to provide 1 mylar and 4 paper copies of the final plan,
2. The applicant is responsible for all fees (including \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) associated with recording the plan at the Hillsborough County Registry of Deeds; and
3. All decisions rendered by the ZBA to be noted/described on the plan (variance granted on January 22, 1980 to permit a reduced lot size for Tax Map 6A-2 Lot 150) and the Equitable Waiver of Dimensional Requirements granted on April 25, 2012 to allow a pool filter & heater to remain within 2 feet of a proposed lot line whereas 12 feet is required (Case #2012-14).

**MOTION SECONDED BY MEMBER MILLNS
MOTION CARRIED 7/0/0**

5. dlb's Flip City, Inc. (Applicant) & Lumiton, LLC. (Owner) – Review for Acceptance and consideration of Final Approval of an application requesting a commercial gym in the I-1 (Industrial) and Aquifer Conservation Districts, located at Riverside Business Park, 33 Depot Street, Merrimack, NH. Tax Map 6E-1, Lot 060-33.

Ms. Larson informed the Board the request was that of a request of Waiver of Full Site Plan Review for Change of Use.

Robert B. Welts, Esq. Introduced himself to the Board as the attorney for the applicant, Mr. Damon L. Blust. He informed the Board the applicant was seeking a Change of Use for the property located at 33 Depot Street. The applicant desires utilizing the property as a commercial gym or gymnastic center. He noted the applicant was granted variances to permit a commercial gym in the I-1

(Industrial) and Aquifer Conservation Districts at the Zoning Board of Adjustment meeting of April 25, 2012.

The applicant proposes converting the lower basement level to a gymnastic center for the purpose of instructing competitive cheerleaders ranging in age from 8-18. The lower level contains a 40' x 40' area unobstructed by support columns with a ceiling height of approximately 20'. Many locations were viewed in the commercial district; however, no other suitable location was located.

The applicant plans to operate the business during after-school hours; 3:30 or 4:00 p.m. to 8:00 p.m. on weekdays and 10:00 or 11:00 a.m. to 3:00 or 4:00 p.m. on Saturdays. The business would not be open on Sundays. Attorney Welts noted more than 50% of instruction classes would be private (1 student), an additional 30% would be semi-private (3 students); therefore, traffic or parking would not be a concern. At present, 20% or five 1 hour classes/week are reserved for groups of up to 8. These groups (teams) typically arrive in a van or similar vehicle. Mr. Blust presently provides instruction at 11 area schools with most instruction taking place at the various school facilities. There is a great demand for individual and semi-private instruction. Mr. Blust has stated he would never exceed 10 students in one session. With regard to traffic, Attorney Welts remarked, although the property has been unoccupied for approximately one year, the previous use resulted in commercial traffic. The proposed use would not result in commercial traffic to the site. Mr. Blust is the only employee of the business. There are presently 10 parking spaces directly in front of the building and an additional five spaces in the rear of the building. Attorney Welts commented the association has a total of 239 available parking spaces to accommodate 15 condominiums (8 spaces needed at the most). He remarked after numerous visits, he has yet to see the parking lot utilized to more than half its capacity.

MOTION BY MEMBER SEGEDY TO ACCEPT JURISDICTION
MOTION SECONDED BY MEMBER DISCO
MOTION CARRIED 7/0/0

MOTION BY MEMBER SEGEDY TO GRANT THE WAIVER OF FULL SITE PLAN REVIEW DUE TO STRICT CONFORMITY WOULD POSE AN UNNECESSARY HARDSHIP TO THE APPLICANT AND WAIVER WOULD NOT BE CONTRARY TO THE SPIRIT AND INTENT OF THE REGULATIONS.
MOTION SECONDED BY MEMBER DISCO
MOTION CARRIED 7/0/0

Mr. Millns questioned the floor material, and was informed the present flooring is concrete, which would be covered with 2" thick foam covered by carpeting. This material is what is utilized in all cheer tumbling type events, competitions, etc. Mr. Millns, questioned available access for emergency personnel in the unfortunate event an individual was injured. Mr. Blust responded there is an exit out the back of the facility, which would require traversing five steps, as well as the availability of bay doors and a loading dock.

Public Comment

Raymond Pouliot, Board of Directors, Riverside Business Park Condominium Association. Mr. Pouliot stated the Board of Directors has considered the applicant and would warmly welcome the former mascot of the Boston Celtics to be a neighbor of Riverside Business Park.

Hearing no further comment, Chairman Best declared the public hearing closed.

MOTION BY MEMBER SEGEDY TO GRANT FINAL APPROVAL WITH THE FOLLOWING CONDITIONS TO BE FULFILLED WITHIN SIX MONTHS AND PRIOR TO PLAN SIGNING, UNLESS OTHERWISE SPECIFIED:

1. Final plans to be signed by the applicant and property owner
2. Address planning staff technical comment; the applicant to work with staff to modify the Final Plan to also describe the location of the proposed site (Unit 33 to be corrected to read Unit 6), the maximum number of employees, and any waivers granted by the Board.

**MOTION SECONDED BY MEMBER MILLNS
MOTION CARRIED 7/0/0**

7. **Thurloe Kensington Corporation (applicant) & Merrimack Premium Outlets, LLC (owner)** – Review for consideration of final approval of an application proposing construction of a commercial development consisting of three restaurants in a single building (70-seat, 2,514 sf; 70-seat, 2,906 sf; and a 50-seat, 1,765 sf with drive-thru window) and a 4,515 sf bank with drive-thru window in a separate building. The parcel is located in the I-2 (Industrial) and Aquifer Conservation Districts at Premium Outlets Boulevard. Tax Map 3C, Lot 191-03. **This agenda item is continued from April 17, 2012.**

Ms. Larson remarked, during its last meeting, the Board had lengthy discussion around circulation on and access to and from the site. The applicant has submitted revised plans and hopes to address many, if not most, of the Board's comments. She noted staff had not had ample time to complete a full review of the revised plans; however, a cursory review appeared to indicate the circulation to the east of the proposed restaurant has been reconfigured, some parking has been reconfigured, and the electrical transformer pad, which was proposed at the southeast corner of the site, has been completely removed. It looks as though the bank facility will tap into the transformer pad adjacent to the restaurant building.

Mr. Gordon Leedy, Jr., Director of Land Development, Vanasse Hangen Brustlin, Inc., noted several modifications were made to the plan as a result of previous discussions. Changes center around the circulation in the area of the main entry/exit as well as changes to building footprints, i.e., the bank facility is depicted as being slightly larger, and in fact is even larger than the current plans indicate (roughly 5,000 sq. ft.). The restaurant buildings were reduced in size by roughly 1,000 sq. ft. as a result of a prospective change in the tenant for the center space. These changes allowed for a reduction in building width, which resulted in additional space on the west side of the building and the addition of a sidewalk, thereby allowing access to the front of the building from the rear area.

The most notable change is the reconfiguration of the entry area; one-way circulation toward the west and south allowing for access to the front of the restaurants. The drive-thru would exit in the same direction as restaurant traffic, which would require individuals utilizing the drive-thru to circle around the building to exit. The availability also exists to come straight into the site to a two-way circulation area in the back as a means of accessing the drive-thru. Those changes take the conflict out of the intersection. The only thing entering anywhere in the area would be on the same side as where the queue is likely to be, which eliminates the possibility of traffic getting hung up in the intersection. It also allows for a queue to take place as far back in the site as could ever be allowed.

As the restaurant building increased in length, the entrance was shifted down slightly resulting in some adjustments to the islands as well. Pedestrian access is via a crosswalk to the main pedestrian walk on the other side of Premium Outlets Boulevard. Upon entering the site, there is a crosswalk that allows pedestrians to traverse to the bank and/or restaurants.

Mr. Leedy stated his belief the conversation that took place at the last meeting was productive and resulted in a much better plan with less of an issue with site circulation. Mr. Leedy informed the Board the revised plans have been submitted to CLD Consulting Engineers (CLD) for engineering review.

Mr. Disco stated his opinion the revised plans are a great improvement over the previous, and noted his approval of the changes. Mr. Redding questioned the entrances shown on the back side of the structure and was informed what is indicated on the plan are service doors. Chairman Best stated his pleasure with the revised internal layout and addition of a sidewalk. He stated a desire for a crosswalk to be striped across the drive-thru lane. Mr. Leedy stated that could be done. Mr. Bonislawski questioned whether it was advisable to require vehicular traffic utilizing the restaurant's drive-thru to travel around the entirety of the building twice.

Mr. Millns stated, although he believes the proposed changes improve the site, he is disappointed the access has not been addressed. He provided the Board and viewing public with a brief pictorial of the vehicular traffic entering the site. Utilizing traffic volumes provided by the outlet mall, he noted, during a Saturday mid-day peak hour, 1,265 cars would be entering and 1,135 exiting the site, which equates to 19 cars per minute/1 car every 6.3 seconds exiting (2 lanes) and 1 car every 5.7 seconds entering the site. Assuming a speed of 30 mph or 44'/second, the average 22' car will take $\frac{1}{2}$ a second to go past. In ideal spacing (no staggering), a motorist would have approximately 5.2 seconds to exit. He commented his vehicle takes 6 seconds to get up to a speed of 30 mph.

He referred to a well-known statistical theory developed by Professor Heinrich. This principle states that, for every 300 traffic issues there will be 29 near misses and 1 serious accident. Based on the figures above that were taken from the Premium Outlets Final Approval proposal quoted above, he believed there could be as many as 100 issues during the busies hour caused by drivers exiting the site and turning left. Were this to be the case, this could result in four accidents during this period.

He stated his belief left hand turns at the access point would not be feasible. He remarked he understands much of the traffic entering the development would continue on up into the mall; however, he is of the belief 50% or more would turn right. What causes him concern is traffic turning left; believes at peak time drivers will become frustrated and will either turn right, go up into the mall area, make a U-turn, and come back down or simply try to get across the road. He reiterated his belief left-hand turns should not be allowed. He suggested traffic should be forced to turn right and a U-turn should be provided at the top of the hill.

He reiterated his concerns with regard to vehicle accidents and commented given the mall has very critical access; he does not believe it in the best interest of the mall for accidents to occur resulting in customers/residents becoming disenchanted. He stated his desire for the mall to be successful and remarked it is the best thing that has happened for Merrimack in a long time, and safety should be preached by requiring all traffic to exit the site to the right and up the hill.

Mr. Leedy responded there is no question there will be heavy volumes at peak hours. He noted the traffic volume figures he reviewed were not quite as high as the ones cited. He suggested, during peak hours where a left hand turn may be difficult, motorists would choose to exit to the right. Unfortunately, that is not when he believes the highest volumes would occur. He provided the example of the coffee shop, which, because of the drive-thru, will generate more volume and will be busiest in the morning hours. Individuals patronizing that business are less likely to be going up the hill; more likely to come in and want to leave to go to one of the employers on Continental Blvd., etc. He remarked his fear is in the 23 non-peak hours of the day motorists would go against the restriction and exit to the left. Restricting a left-hand turn would make that situation more dangerous.

Mr. Millns spoke about the McDonalds restaurant constructed on Continental Boulevard where the same issue was discussed. The solution was for traffic to swing around the Shaw's entrance to gain access. Mr. Leedy noted the existence of a median in that area. Mr. Millns remarked in that project they basically made it impossible for a motorist on Continental Blvd. going in the general direction of 101A to cut straight through to McDonalds and those coming out of McDonalds can only turn one way. He stated his belief the explanation provided for that traffic flow is not being followed in this instance; same issue with a higher traffic volume. He spoke to his belief the Planning Board does not have the right to allow creation of something deemed to be dangerous on Continental Blvd. to be acceptable on Premium Outlets Blvd.

Mr. Leedy suggested it would be inappropriate to force a right turn only entering and exiting the site as it would foreclose opportunity for tenants. Apart from that, there are limited options; a traffic signal is not warranted and a stop control would not likely be acceptable to anyone. He suggested a more thorough analysis of conditions at the intersection could be conducted and information presented to the board.

Mr. Millns, speaking to pedestrian traffic, noted the distance to cross the street; five lanes with a median in the center (90'). He remarked the average walker would not be provided ample time to cross. Mr. Leedy responded there is a refuge area in the center as well as advanced warning signage (yield to pedestrians in crosswalk). He stated the project would follow the Manual for Uniform Traffic Control Devices (MUTCD) and make the area as safe as possible given the conditions. He reiterated a traffic signal is not warranted at this location. Mr. Millns stated he was not suggesting a pedestrian signal, but would like to separate pedestrian and vehicle traffic.

Mr. Bonislowski stated his belief the volume of traffic would not reach the numbers cited. He suggested the Board await recommendation(s) from CLD as they are the professionals in this field.

Councilor Koenig stated his agreement with the concern raised around the necessity for customers to traverse the building twice to patronize the coffee shop. He suggested that aspect of the plan is a reduction in safety. He noted his appreciation the entrance is slightly less congested, but continues to have concerns. He was unsure the argument could be made there cannot be a left-hand turn although he acknowledged there would be times when that is troublesome. He commented the exit is a bit pinched with the bank pushed out further into the right hand lane. Approach to exit is truly in a single lane, fans out with a two car queue, and appears to be a choke point especially if a vehicle is exiting the drive-thru at the same time another is exiting the bank.

He stated his opinion there simply is not sufficient room for all of the activity proposed on the site, and commented the original vision of a single restaurant likely didn't have the amount of traffic four

businesses would have. Speaking again to the McDonalds' project he noted that facility provided two means to exit the site. The site in question has only one means of exiting.

Dr. Segedy asked about whether Premium Outlets Boulevard is a private road, and was informed it is. He questioned what prevents the developer from placing a traffic signal at the entrance/exit. Mr. Leedy reiterated the area does not meet the warrants associated with a traffic signal and he is not aware of a professional engineer who would be willing to place his/her seal on a drawing that included such a signal.

Chairman Best questioned the possibility of widening Premium Outlets Boulevard to provide an additional lane for right turning traffic to enter before merging with cars or for traffic turning left to have a wider area to create three lanes to the left? He questioned whether any iterations of the design plan showed the restaurant building rotated 90 degrees so frontage would face the bank, which would result in the drive-thru exiting on the southern part of the site with plenty of room to get to the exit and avoid circling the building.

Mr. Leedy stated multiple configurations were considered; however, it is a balancing between the needs of the tenants for space and configuration of space and the configuration of the site. What is being proposed is what is believed to be the best configuration. With regard to Premium Outlets Boulevard, he commented the one island is narrower because of the turn lane. The area has 15' or so, which is not sufficient to be considered a lane (22' needed for refuge area) for turning purposes, but will tend to function that way. He added because of the configuration of the road, there is very little flexibility in changing the alignment of the road.

Chairman Best commented he understands what has been said regarding the timing and volume of traffic, but he is also aware of a number of intersections that have a great deal of traffic requiring motorists to wait for an opportunity to make a left hand turn. Mr. Leedy commented traffic would not enter the area evenly spaced as is contemplated in the example provided.

Chairman Best questioned whether the figures associated with the queue were available. Mr. Leedy remarked in his estimation the current configuration is as good as it can be; functionally, it can queue as far back as in any site configuration. Chairman Best stated his interest is in what is believed would occur per hour in traffic volume to the restaurant area. Mr. Leedy stated that information could be provided. Chairman Best questioned what a backup plan might be should the worst-case scenario come to be.

Chairman Best remarked the site plan has been improved quite a bit. He would like to see the configuration not require drive-thru users to traverse the building a second time and questioned whether the drive-thru area could be placed on the southern side of the building to allow vehicles to exit straight.

Dr. Segedy stated a desire for staff to look into whether a traffic signal or some sort of control could be placed on the site. Mr. Leedy explained there are 8-9 warrants for a signalized intersection in terms of the advisability of signal placement. If the location does not meet the warrants you will not find an engineer who will design it. If you cannot find an engineer who will design it, you cannot build it. Dr. Segedy restated his desire for staff to look into the matter further. When asked for clarification of the warrants, Mr. Leedy stated warrants relate to delay, volume of traffic, arterial versus secondary roads, etc., and offered to provide the Board with a copy of the requirements of the warrants.

Chairman Best questioned whether failure to meet the warrant would provide information about the safety of the intersection without a light.

Mr. Disco stated a desire to see a reconciliation of the traffic volume numbers cited by Mr. Millns and those cited by Mr. Leedy. He remarked with regard to not meeting the warrants for a signalized intersection and whether that would infer the area is safe without one is an issue for Mr. Leedy to convince the Board of. He suggested the possibility of limiting the hours for left hand turns.

Chairman Best suggested it would be helpful to provide examples of roads with similar traffic volumes for comparison purposes. Mr. Bonislowski requested any additional options be presented to CLD in advance of the Board so an opinion can be obtained. Mr. Leedy committed to that occurring.

Public comment – None

MOTION BY MEMBER MILLNS TO TABLE UNTIL THE BOARD'S MAY 15, 2012 MEETING WITH NO FURTHER NOTIFICATION TO ABUTTERS.

MOTION SECONDED BY MEMBER REDDING

MOTION CARRIED 7/0/0

Maintenance Bond Waiver Request for **Holts Landing** right of way improvements – Public Works Department recommends that the maintenance bond be waived and proposes Planning Board recommend acceptance of the 1,433 linear foot roadway by Town Council.

Chairman Best spoke to the communication from Bond Manager, Evelyn Gillis to Nancy Larson, Planning & Zoning Administrator and Mr. Timothy Thompson, Community Development Director, describing the request to waive the two year maintenance bond requirement for Holts Landing and recommending acceptance of the 1,433 linear foot roadway. He also noted receipt of a communication from Mr. Kyle Fox, Deputy Director/Town Engineer to Mr. Thompson indicating the right-of-way improvements for Holts Landing have been completed in substantial conformance to the approved plans, and that the plans were completed under a contract managed by the Public Works Department following the calling of the cash performance bond by the Planning Board in August 2011. The department recommends the two-year maintenance bond be waived as no funds remain in the performance bond to cover a maintenance bond.

Mr. Millns informed the Board he has spoken with Mr. Fox, and understands current ordinances require the Town to take out a maintenance bond against itself, which cannot occur.

MOTION BY MEMBER MILLNS TO WAIVE THE MAINTENANCE BOND AND REQUEST STAFF WORK TO REMOVE THE OBLIGATION FOR A BOND TO BE REQUIRED WHEN CALLED FROM THE ORIGINAL DEVELOPER.

MOTION SECONDED BY MEMBER SEGEDY

MOTION CARRIED 7/0/0

MOTION BY MEMBER MILLNS TO RECOMMEND ACCEPTANCE OF THE 1,433 LINEAR FOOT ROADWAY CALLED HOLTS LANDING.

MOTION SECONDED BY MEMBER DISCO

MOTION CARRIED 6/1/0

Councilor Koenig Opposed

7. **DISCUSSION AND POSSIBLE ACTION REGARDING OTHER ITEMS OF CONCERN**

Chairman Best stated reorganization of the Board would take place at the May 15th meeting.

8. **APPROVAL OF MINUTES** – None

9. **ADJOURNMENT**

MOTION BY MEMBER SEGEDY TO ADJOURN

MOTION SECONDED BY MEMBER MILLNS

MOTION CARRIED 7/0/0

The May 1, 2012 meeting of the Merrimack Planning Board was adjourned at 9:00 p.m.