



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, JUNE 17, 2014

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

Planning Board member absent: Lynn Christensen.

Community Development staff: Community Development Director Tim Thompson, Assistant Planner Donna Pohli, and Recording Secretary Zina Jordan.

1. Call to Order

Robert Best called the meeting to order at 7:30 p.m. and designated Nelson Disco to sit for Lynn Christensen.

2. Planning & Zoning Administrator's Report

None.

3. Annual Meeting – Election of Officers and review of By-Laws

The Board voted 5-0-2 to re-elect Robert Best as Chairman, on a motion made by Nelson Disco and seconded by Stanley Bonislowski. Robert Best and Alastair Millns abstained.

The Board voted 5-0-2 to re-elect Alastair Millns as Secretary, on a motion made by Desirea Falt and seconded by Nelson Disco. Robert Best and Alastair Millns abstained.

- 4. Edgebrook Heights, LLC. Wigston Properties, LLC and Q. Peter Nash 1987 Rev.Trust I (co-applicants/co-owners)** – Continued Public Hearing for consideration of Final Approval of an application for a Conditional Use Permit to permit a future mixed-use development consisting of retail, office, multi-family residential and assisted living. Parcels are located at # 1, 37, 39, 55 and an unnumbered parcel, D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Flood Hazard Conservation Districts. Tax Map 1E, Lots 004-01 & 004-02 and Tax Map 2E, Lots 006-02, 007 & 008. ***This item is continued from the March 18, 2014, and May 20, 2014, Planning Board meetings.***

Tim Thompson noted the following actions taken since the March 18, 2014, meeting: an April 23, 2014, site walk; Arnett Development review of the fiscal analysis report that concurs there would be a net positive fiscal impact under three different scenarios the consultant devised, to which staff agreed; and a traffic impact analysis.

James Petropulos, Vice President/Principal Engineer, Hayner/Swanson, Inc., said the applicant addressed the March 18, 2014, Planning Board issues: a site walk; third-party fiscal review; traffic analysis, especially of the north driveway; buffers; the relationship of the residential portion to abutting properties to the north; a meeting with NIP Owner representatives on May 7, 2014; and correspondence between the attorneys. There have been several minor amendments: Arnett

Development's review of the fiscal study raised minor differences, mostly about assumptions and methodology, but concluded the project would generate positive financial impact. The biggest change concerns traffic at the northern entrance. The plan has been revised to show the connection to the Nanocomp/NIP driveway as an entrance only, with no exit to the driveway or to D.W. Highway from the northerly access point. The 50 Bowers Landing units were included in the traffic study. At full build-out, the main intersection will be Level of Service B in 2025. The northernmost multi-family building has been reduced in size from 36 to 24 units and has been shifted 30' farther away from the shared property line with NIP, for a total of 120'. There are more opportunities to create buffers. Because there will be 156 rather than 168 units, less parking is planned. There is a 70' natural wooded area. An earth berm at the multi-family area can be planted, and fencing/Category D Type 3 buffer along the north property line can be installed. The project is 1150' from Nanocomp, which cannot be seen from the projected buildings. (Bowers Landing is 850' from Nanocomp.) The first phase will consist of infrastructure, a signalized intersection, road improvements, and public sewer through a public easement in the rear. Development of succeeding phases depends on market conditions. James Petropulos cannot say at present how the project will be phased. Mark Fougere's study determined that, even if only the apartments are constructed, the project would still generate a positive tax flow (\$365,000 annually) to the Town. The applicant accepts staff's conditions.

Alastair Millns asked why the buffer would be 50' when 120' are available. A Type 4 buffer would be denser and better. How can there be a net positive impact if only the housing is built? He is concerned about housing units not being filled and tax exemptions for veterans and the elderly. Alastair Millns wanted more analysis.

Tom Koenig asked if differences about access to the sewer connection were resolved. James Petropulos replied that they had. A 20' recorded public sewer easement on the property runs to the south and is part of the Pennichuck Brook interceptor. An easement from the back of the building through the site does exist.

Attorney Brad Westgate, Winer & Bennett, said a permanent 20'-wide sewer easement in the Town's favor was recorded. There was discussion with NIP about extending the temporary construction easement to it. The temporary easement had expired, but the permanent easement exists. A sewer line could also be run down the railroad track. James Petropulos added that the Town has the Railroad's permission to do so. Tom Koenig was concerned about running the sewer in an area where the railroad may be more heavily used. James Petropulos repeated that the building is 120' from the property line. The Fire Department wants a combination paver-type walkway, for which 50' are needed: 20' of driveway, 20' of green strip, and 10' of clear space. That saves 70' of trees. A Type 4 buffer 100' from the line would make the three-story building more visible than would a berm. The proposed buffer is better. Alastair Millns asked the height of the third/top floor. James Petropulos said the roof would be 40' high. The buffer will fill in over time.

Robert Best wanted assurance that the phasing would be balanced and that each phase would produce tax revenue. Attorney Westgate said that, because these would be rental apartments rather than condominiums, there would be no veterans or elderly exemptions. Tim Thompson repeated that the applicant's fiscal impact consultant Mark Fougere says there will still be a positive tax impact even with fewer apartment units.

Steve Pernaw, Traffic Operations Engineer, Pernaw & Company, prepared an addendum to his traffic study to address Planning Board issues with the north driveway. The "T" intersection will become a four-way intersection. He used August 2010 Department of Transportation (NHDOT) data about daily traffic flow variations. From Sunday-Saturday, the north driveway handles 200-300 entering vehicle trips per day. The rate of flow on weekdays over three weeks shows that most cars and trucks enter during the morning and lunch peak hours, then drops off. That means

the northerly driveway is not heavily traveled in the evening peak hour. New June 2014 data show 1,500 cars per hour go on Route 3, mostly heading south. Steve Pernaw expects traffic to be generated at 450 vehicles trips in and out over the peak hours of 5:00-6:00 p.m. Not all proposed uses would generate 100% new traffic; some will come from the existing traffic stream. He did no-build, build and 10-year projections to 2025 at peak hours to see if a signalized intersection could accommodate traffic from the project and determined it would operate at Level of Service B at peak periods with reasonable and short delays. The intersection would operate below capacity at peak hours 5:00-6:00 p.m. in 10 years when the project is fully occupied. Tim Thompson explained that Steve Pernaw is referring to the project's main entrance; there is more traffic at the north intersection in the morning. Chairman Best noted that the morning traffic at the Nanocomp entry is a different issue. Steve Pernaw clarified that overall site traffic is higher in the evening than in the morning. He studied the worst-case scenario. Nanocomp's one-way east bound shared driveway and southbound traffic would be Level of Service B. There will be no capacity problem turning left into the driveway if the businesses expand. The Pernaw report also makes recommendations about signs, a pedestrian crosswalk and an exclusive pedestrian phase at the traffic signal.

Steve Pernaw stated that the project meets all Conditional Use Permit (CUP) criteria. There will be no hazard or nuisance. All traffic can enter and exit at the traffic signal. Level of Service B is very good. There will be no long delays or queues. There will be safe and efficient access if a southbound exclusive left turn lane, an exclusive northbound right turn lane and two striped exit lanes are added. A pedestrian crosswalk at the north intersection will tie into the sidewalk across the street.

Nelson Disco explained that Nashua Regional Planning Commission (NRPC) would create a region-wide bicycle path linking towns in the region. This road is on that path. Steve Pernaw does not know whether there will be a bicycle lane. It will be addressed at the time of site plan review. DOT should be aware of it.

Alastair Millns said that, when a "T" became a four-way intersection at another site, it went from Level of Service B to Level of Service C. One minute is lost because nothing moves when the traffic light cycle changes. The proposed cycle length with a four-way junction and a pedestrian push button will increase the cycle delay by 50%, creating a 2.5-minute delay and making the situation worse and less safe. Steve Pernaw stated that cycle lengths in New Hampshire are 60-120 seconds. 120 seconds is not out of the ordinary. Length varies according to demand. He recommends an exclusive pedestrian phase. This intersection operates fine today and it will with a four-way junction. The volume is well below capacity. Pedestrians will not push the button often. He felt that Alastair Millns over-exaggerated potential impacts. Desirea Falt said a demand-response system senses when someone is there, so it should not create delays. Most lights are too short for pedestrians to cross without running, so this is fine.

Stanley Bonislowski noted that, according to the legal documents submitted, the owner of Lot 2E/6-2 is responsible for 10% of the cost of maintenance and use of the road. He asked whether a homeowners association must pay to maintain it and if that is unusual. Attorney Westgate said that the allocation cost of the north end would not change because it is recorded at the Registry of Deeds. Nashua Corporation arranged it when they owned both properties. Stanley Bonislowski was concerned with the hidden cost of buying a unit, but Attorney Westgate reminded him that these would be rental apartments and that the developer is required to disclose everything. Robert Best said there are no condominium fees on rental units. Stanley Bonislowski stated that the restaurants and stores should know they might have to pay. Attorney Westgate explained that maintenance allocation would be spread among users of the common driveway.

Public comment

Attorney Greg Michael, Bernstein Shur, representing Nanocomp, said it had made a significant and substantial investment of millions of dollars into that area for their project. The Zoning Board of Adjustment (ZBA) gave variances for residential density and for a CUP on less than 50 acres to allow for maximum buffers and protection. The Planning Board should carefully scrutinize a residential area coming next to Nanocomp.

As to buffers and traffic restrictions, Nanocomp will want significant enhanced industrial activity in the industrial zone. Trucks come in and out at all hours. Industrial facilities make noise. It is unfair to criticize that. Nanocomp has a serious concern that people will complain about what already exists.

As to access, Nanocomp wants the side blocked with a berm or fence so no one can wander onto the site and put themselves in unsafe situations. It would be fine for emergency access only but not for an in-only driveway or a road that would interfere with trucks delivering equipment. Nanocomp can control trucks and employees, but Edgebrook cannot. It would be better, safer and more predictable to block the drive. All traffic can use the light. Nanocomp is dead set against leaving anything open along the boundary.

As to economic impact, Nanocomp is concerned about building only the residential portion. Shaw's South is empty and nothing was built next to Shaw's North. It will be a long time before commercial and retail come to that area. What if the apartments are converted to condominiums? That cannot be stopped and will be decided by the economy. Just telling tenants they will be next to an industrial use is not enough. The applicant must properly disclose what is really happening next door. The petitioner, not Nanocomp, is the interloper and must be held to a very high standard.

Attorney Jason Reimers, BCM Environmental & Land Law, represents NIP Owner. Nanocomp is at 57 D.W. Highway, near the road; 59 D.W. Highway is near the railroad. NIP owns and rents space to industrial tenants and strongly opposes the project. It is concerned about residential tenants next to industrial activities. The Planning Board acknowledged that as a valid concern in March 2014. NIP wants to fill its vacant space of 180,000 square feet.

The application does not satisfy the CUP criteria. It fails to establish that the project will generate a net positive fiscal impact because it does not consider the impact on the surrounding industrial property.

It fails to establish that there will be no undue hazard or nuisance to vehicles or pedestrians. There will be ingress-only at the shared road, but it will still be shared with trucks with hazardous chemicals. A study by Robin Bousa of Vanasse Hangen Brustlin (VHB) for NIP found that the applicant has not shown that the ingress is sufficient for trucks to make fluid turns onto the property and does not provide safe pedestrian access from NIP to the proposed development. It is a pedestrian hazard.

There are no adequate buffers along the perimeter. Although the building will be moved farther from the property line and a fence and berm installed, the buffers are inadequate. There is no true separation of the residential and industrial properties. A Category D buffer is required between industrial and residential properties. A Type 4 buffer must be at least 100' wide, whereas a Type 3 buffer must be at least 50' wide. There should be a Type 4 buffer on the applicant's land, not on NIP property, which may become a truck staging area. If the Planning Board grants the CUP, it should require that secondary access be only for emergency use. The primary access can handle all the traffic.

Variances were required because the site is too small for a CUP. A railroad, industrial neighbors and a wastewater treatment plant are nearby. Aromas from the wastewater will be a significant

issue. Commuter rail may be expanded and make noise. New residents will complain about the odor and the noise. Flatley proposes to build a mixed use farther up the road, but that is a larger property with no neighbors.

Stanley Bonislowski asked if the 180,000 square feet available for lease includes Nanocomp's expansion. Tom Woods, NIP Owner, said it does. Attorney Michael stated that Nanocomp would expand only in the second section and there is still vacant room in the building. Stanley Bonislowski asked whether anyone complained about noise and odor before. Attorney Reimers said he found out about them only when he read the minutes of the site walk. Michael Redding asked if there are security guards. Tom Woods said there are not. Michael Redding asked if there are any problems with residential neighbors accessing the property on weekends. Tom Woods said there are not.

Nelson Disco asked Steve Pernaw about using only one entry and about pedestrian connectivity to the industrial section. Robert Best wanted to learn about pedestrian connectivity for employees. Cars can be made to go only one way, but pedestrians cannot be forced to do so. Attorney Reimers noted that Robin Bousa prefers a gated closed site with no sidewalk to be used only for emergencies. If the Planning Board does not do that, industrial employees will walk to the businesses. A safe connection is needed. Robert Best countered that employees will walk there even without a sidewalk. Attorney Reimers said that is why it is preferable to close off the shared road. Tom Koenig noted that Attorney Reimers was referring to connectivity between industrial and commercial uses rather than between industrial and residential uses. Children playing in a residential area and going near trucks is more of a problem. Robert Best said that there would be fences on the lower half of the property, so no one can walk from the apartments to NIP buildings.

Attorney Westgate said mixed-use development is permitted in a CUP. The Master Plan encourages mixed use in this part of Merrimack. ZBA issues cannot be re-litigated. Nanocomp did not speak at the ZBA meeting. This property fits the CUP process. The applicant is not an interloper. The non-compatibility issue does not hold water. Arnett's analysis of the fiscal impact study did not raise the issue of impact on NIP industrial users. Fiscal analyses do not speculate about that. It would do so only if the use were not permitted in that zone. The aroma and railroad noise are the applicant's issues. They do not affect the abutters.

James Petropulos said the fencing in back of the northernmost building on the railroad tracks and on the slope can be extended around to the corner and a sidewalk can be installed. The applicant is compliant with the zoning buffer with a fence, berm and vegetation. Undergrowth may be added. James Petropulos disagreed with Alastair Millns. There will be the same four-way intersection and cycle time no matter what is developed. Phasing is problematic for financing purposes. The project may be done all at once.

Desirea Falt asked what type of tenants would be in the residential area in back. Attorney Westgate said they would be market rate tenants. There would be no subsidies or age specific rules. When Alastair Millns quoted that the applicant must study the impact on existing businesses, Tim Thompson stated that was from the section of the Ordinance about village shops and is not applicable to this project.

Nelson Disco noted that Arnett's analysis said the location of schools in the fiscal analysis is incorrect. Table 9 makes no sense to him, nor does he understand the phasing. Its fiscal impact is not shown. Robert Best said the Planning Board wants specifics about phasing, perhaps in a Development Agreement. Tim Thompson explained Fougere's clarification of Table 9, which is about tax revenues. Arnett has not commented on that. Fougere admits errors on minor issues, such as school locations. The Town Assessor confirmed his figures.

Michael Redding supported separating industrial and commercial uses and asked why access there is important. Attorney Westgate explained Table 9 further. Arnett and Fougere still conclude there will be a positive fiscal impact even if only the apartments are built. There is already “mixed-use” development in the area (Harris Pond). Steve Pernaw said pedestrian access and connectivity are not a problem. It makes sense to provide a sidewalk and crosswalks. It is good that the traffic light can handle all the traffic, but there are advantages to a second driveway: northbound vehicles can turn right into the gas station, restaurant and stores; vehicles in the wrong lane at the light need an opportunity to continue past the site and turn at the north site driveway, thus eliminating U-turns, which will reduce demand at the light, and is good access management practice. Entrance only is very important to the applicant, who has the right to full access in and out. He is making a big concession by making it entry only. It gets people safely onto the site. Large trucks will not have to do three-point turns on a properly designed shared driveway.

Tom Koenig asked how a northbound entry only would impact industrial neighbors. Steve Pernaw said there would be no congestion if it were designed properly. There would be no impact on the volume of truck traffic coming in, which is only 15% of driveway volume. It is nowhere near capacity even if industrial neighbors expand. A one-way road with no opposing traffic, delays or stops is Level of Service B even if left-turn traffic quadruples. Robert Best said Tom Koenig was talking about the shared driveway, which is at peak during morning hours. Steve Pernaw said retail uses are not open that early in the morning. There is no compatibility issue. Robert Best stated that an access easement benefits the applicant’s site. The neighbor cannot ask the Planning Board to get in the middle of an arrangement made many years ago. He noted that there was no heavy truck traffic on the Wednesday morning site walk. Steve Pernaw said that most people will want to turn left into the site before getting to a traffic light, but Robert Best said they might want to let the light help them cross.

Tom Koenig asked how the figure of 0.17 students per apartment unit was derived. Attorney Westgate said that is in the Fougere report. Tim Thompson explained that it is based on an Applied Economic Research (AER) state-wide analysis. Both Fougere and Arnett are comfortable using that analysis of school-age population rates. Two-bedroom apartments in Londonderry had 0.1 children per unit, less than the expected Londonderry multiplier of 0.23 per unit. Tom Koenig noted that, when studies of school-age population rates were done in 1995, the number of children in multi-family complexes was greater than expected. Attorney Westgate said the AER study was done in 2011.

Bernard Plante, Project Director, Melton Associates, said Fugere also looked at Heritage at Merrimack and Bowers Landing. Merrimack’s school population is declining. Robert Best added that there would still be a positive fiscal impact even if school costs increased by 100%. Tom Koenig opined that the project would increase Town costs. Stanley Bonislowski said a second bedroom is not necessarily used for children today; it can be an office. Robert Best stated that school enrollment in Merrimack is projected to continue to decline. Many people do not plan to have children. Tom Koenig said that 30 children from this development would require hiring more teachers and running another bus. Robert Best agreed, but noted that with lower enrollment does not automatically mean that fewer teachers are needed. The schools may be able to absorb 30 more children. The Planning Board must rely on the two experts concerning positive fiscal impact. Tim Thompson noted that the Thibeault/AER analysis they utilized is essentially a third expert. Alastair Millns asked about the impact on the upper elementary school, but Tim Thompson said it is impossible to predict the age of children in these units.

Stanley Bonislowski said he would ask at the time of site plan review how residents would leave the area in an emergency if the only access road were blocked.

Tim Thompson wanted the opportunity to contact Arnett and Fougere to be sure they agree and suggested continuance until July 2014. Nelson Disco wanted to see the phasing plan and that it would have a continuous positive impact. Tim Thompson wanted the consultants to break down each component in the analysis to see each one's impact. Robert Best wanted to see that the retail and residential would balance and to be sure the commercial component would be built. He did not want the applicant to return years later requesting to eliminate one component. Tom Koenig agreed. Mixed use is the intent. There should not be just a residential use in an industrial area. The Master Plan wants all uses. Alastair Millns agreed that the Planning Board should not be involved in the shared driveway issue. The applicant has the right to use it. Nelson Disco added that the rights were sold along with the property. He and Robert Best liked the one-way entry. Robert Best said this is the second entry because DOT will not make another curb cut.

The Planning Board agreed that, before the July 22, 2014, meeting, the financial experts should meet Tim Thompson to discuss fiscal impact and the applicant should submit a phasing plan and a plan for fencing and buffering.

The Board voted 7-0-0 to continue this item to July 22, 2014, in the Matthew Thornton Meeting Room, at 7:30 p.m., on a motion made by Alastair Millns and seconded by Desirea Falt.

- 5. Mark Botnick of MLV, LLC. (applicant/owner)** – Pre-submission hearing to discuss an interim use of an existing golf driving range, parking lot and office for a drop off car and delivery service to and from Manchester airport. The parcel is located at 768 D.W. Highway in the I-1(Industrial) and Aquifer Conservation Districts. Tax Map 7E, Lot 040.

Mark Botnick, 768 D.W. Highway, wants to make practical use of his property while deciding on a long-term use. A small van will take people to and from the airport. Cars will use the 65-space paved parking lot. The golf range will probably not exist next spring. If more parking is needed, it will be moved elsewhere. Perhaps 10 spaces will be used for golf, but both uses will probably not co-exist. The airport business may become the only business. The sign will be replaced. Mark Botnick is no longer interested in the car wash. Alastair Millns told Mark Botnick to decide the hours of operation and to have someone on site when flights take off and land. Mark Botnick said there would be no fence. There is a large setback and the office will hold car keys. The 13-acre site is special and Mark Botnick does not know what to do with it in the future. There are restrooms on the property. Donna Pohli stated that a variance from the ZBA would be needed because the Ordinance is silent on commercial parking lots in the I-1 (Industrial) District. Stanley Bonislawski said there should be lighting on the cars and that the applicant should be able to jumpstart vehicles that sit on the lot for a while. Mark Botnik has lights and will keep them on. Robert Best said there should be no rental cars on the property. The Board agreed that the applicant could request a waiver of full site plan review, should he secure the required variance.

- 6. Greenfield Management, LLC. (applicant) and Allan M. Swenson Real Estate Trust and Barbara J. Swenson Real Estate Trust (owners)** - Pre-Submission hearing to discuss the conceptual sewer design options within the proposed Greenfield Farms Phase XIV subdivision. The parcel is located on Pearson Road within the R (Residential), Aquifer Conservation Districts and 100 and 500 year Flood Hazard areas. Tax Map 7C, Lot 028.

Donna Pohli informed the Board that the Public Works Department (PWD) rejected the plan in 2010 because it did not follow the Hamilton Study recommendation and rejected the plan currently before the Board in January of this year.

Attorney Greg Michael, Bernstein Shur, said his client built a line to the Pearson Road pump station years ago. The PWD is concerned that it would not mesh with the old Hamilton Master Plan, which was done in the 1970s to receive federal funding for sewers. Such funding no longer

exists. Private developers now build most sewers in Merrimack. Attorney Michael presented the history of the design. The new Sewer Master Plan priorities do not include the Greenfield area. Attorney Michael met with staff. Greenfield will also provide a sewer for other subdivisions. The alternatives suggested by PWD at a cost of approximately \$2 million are prohibitive. One small pump would not be a disaster for the Town sewer system. This property does not have an uphill slope for a gravity sewer. Attorney Michael rebutted PWD's concerns about the Sewer Master Plan, a force main that was difficult to maintain, lack of sewer line capacity, odors and other issues. There are no odor problems. The plan is good for the Town because the applicant will give the area with septic problems a sewer instead.

Attorney Michael opined that the Planning Board has the authority to make the decision.

Brian Pratt, CLD Consulting Engineers, explained the plan. He revised the original plan to meet PWD's objections. A longer force main will go through the development to Whispering Pines Lane to the Town right-of-way and down Pearson Lane to a manhole on Windover Lane. That will solve the odor problem because the system will no longer pump to the Pearson Road pump station. It will no longer be in the wetlands or in the floodplain, so there is no need to construct gravel driveways. Deeper sewers will connect neighboring subdivisions and more manholes will be added, so there is no need for interceptor sewers. Another 58 homes can be tied into the manholes.

Attorney Michael doubted the Town would spend \$2 million to do what the PWD wants. This proposal benefits the Town. These service areas are not in the Sewer Master Plan. There will be no more septic system failures. The sewer will work well and benefit the areas beyond the applicant's boundaries.

Brian Pratt explained the siphon that PWD wants constructed. PWD's estimated cost is \$78,000, whereas his cost is \$566,000. Attorney Michael and Brian Pratt explained why the prices are not comparable, contradicting PWD.

Michael Redding asked how it was decided to draw the Sewer Master Plan line. Brian Pratt said it is because of the flat elevations and from available information. Michael Redding asked whether it is more cost effective because the applicant need not dig so deep. Brian Pratt agreed. Michael Redding asked whether a capacity analysis was done. Brian Pratt said that 58 homes represent a small amount of flow that will not overtax gravity pumps downstream. Brian Pratt said the pump station was originally built to connect to this development. Michael Redding characterized the issue as proper engineering vs. cost effectiveness.

Noting that the Planning Board has seen a number of pieces, Stanley Bonislowski wanted to see the development finished. Attorney Michael said this is the last piece.

Public comment

Darby Coss, 38 Brenda Lane, sent an e-mail opposing the development for reasons she submitted in the past and encouraged the Town to follow the intent and letter of the established guidelines for sewer systems with no exception from the regulations. Nelson Disco wanted to know her reasons. Alastair Millns said that Brenda Lane is far away. He never understood Darby Coss's reasons. Darby Coss did not want to be forced to connect to the sewer. Tim Thompson said it is a state law. Attorney Michael said that is only if the system fails.

Phil Knotts, 127 Wire Road, has a septic system. He accused Greenfield of shoehorning as many residences into the parcel as possible. His concern had been that children are going to cross Baboosic Lake to the common area and asked if that were still the case.

Director of Public Works Rick Seymour said the 2010 plan was rejected for several reasons: The new plan did not fit the Sewer Master Plan because of the siphon at Bramber Lane, because of

the gravity sewer and because the force mains would cross the Town right-of-way. It is not good to mix private lines and a public right-of-way.

Assistant Director of Public Works Jim Taylor listed developers who have extended long sewers consistent with the Sewer Master Plan. Land uses have changed and the PWD developed a new plan. PWD decided that large lot sizes that can support a septic system would not be included. Greenfield can be tied into Section 5 consistent with the Sewer Master Plan. PWD can work with different alternatives that are consistent with the Plan. The Ordinance requires the PWD Director to base allocations on the Master Plan.

Tim Thompson stated that the Planning Board could not override the Director of Public Works. Rick Seymour read out the Sewer Ordinance giving the Director authority to set allocations and connections according to the Sewer Master Plan. What falls outside those parameters can be referred to the Town Manager. Tim Thompson agreed, but stated that the Planning Board can review the decision. PWD and the Wastewater Division have to approve a plan before it goes to the Planning Board.

Michael Redding asked if there is merit to the applicant's design. Rick Seymour said it is a unique situation: In 2010, the Town paid a consultant, Wright-Pierce Engineering, to provide options. The consultant's cost benefits Town residents. Wright-Pierce estimates costs all the time. Their estimates and the applicant's are essentially a wash. Tom Koenig asked if anything in the applicant's proposal is flawed. Rick Seymour said it would work, but there are better components to utilize (e.g., balance of gravity sewer vs. force main). A gravity sewer will last a long time and is easier to maintain than force mains. Jim Taylor said a long force main is difficult to clean and maintain. A gravity sewer is also less expensive and easier to monitor. There is no plan to install sewers in this area.

Tom Koenig asked what an allocation is. Rick Seymour said it is what adjoining properties (e.g., around Windover Lane) might need to connect when a sewer is installed. PWD does not want to give away all the capacity. Allocation should be as fair as possible. Tom Koenig asked whether Windover Lane is a concern. Jim Taylor replied that Wright-Pierce ran a hydraulic analysis on the whole system to identify problems, then looked at the impact of build-out on another development in that part of Town. This development was not considered for the Pearson Road pump station. Robert Best said the applicant claims the pump station has much more capacity and was built for 900 homes. Tom Koenig said that someone must have looked at the hydraulics when designing something that large. Jim Taylor opined that they looked at what was proposed in that area. There are no concerns downstream.

Attorney Michael said that the Pearson Road pump station was built to handle all of the Greenfield Farms development. There were never any problems. The Sewer Master Plan has no other plans for it. There is enough capacity to make it work. PWD wants the applicant to build the line in Area #5; they will not do it and no one else will. If PWD thinks they can build a siphon for \$78,000, Greenfield will give PWD that amount. PWD is holding up Greenfield. Allocation usually decides whether there is capacity rather than the location of pipes. It is the Planning Board that decides the latter. PWD does not understand the facts or the capacity. If Greenfield does not build the PWD system, no one will because no one can afford to do it. This project will work and will provide sewers for homes that would not ever get it otherwise. Why base a decision on a 2010 plan that precedes the Sewer Master Plan? The prior Public Works Director had no problem with this plan. Greenfield overbuilt the pump station to make it work. Stanley Bonislowski said he was always told that the pump station is not big enough for that large field. Attorney Michael reiterated that the system could handle 900 homes. Brian Pratt said Greenfield is not going to pump to Pearson Road. He will verify the capacity.

Robert Best wanted legal advice about who has authority to decide the issue. Alastair Millns said that someone must know the capacity of the line between Pearson Road and Windover Lane. Robert Best said the Board needs reliable numbers about costs and whether the PWD and Greenfield figures are comparable. He said the applicant wants to install sewers because a cluster plan has large open space. Otherwise he could build a grid plan with septic systems. Michael Redding wanted advice about who should make the decision before asking the applicant to do an engineering analysis. Nelson Disco differed; whoever decides will want to know if Windover Lane can handle the system. Robert Best would support PWD if the costs are comparable.

William Hebel, 153 Wire Road, said the plateau is 15'-20' above his property. He is concerned about runoff.

Jesse Fraser, 142 & 144 Wire Road, asked how sewage would get over the river to Windover Lane. Brian Pratt said the Town right-of-way crosses the Brook. He will do a directional drill under the Brook. Jesse Fraser said the homes on Bryant Circle are 24' below Wire Road. Brian Pratt said he would install a sewer manhole in the center of Wire Road and optional mini-pump stations for any homes whose systems fail. The cost would be \$3,000-\$4,000 per home/station. There are still two exits. A traffic study was done. Robert Best said those issues would be discussed at the design stage.

7. Public Hearing – Zoning Ordinance Amendments (Sections 1.03, 2.02.3, & 2.02.4(B)) related to Self-Storage Facilities

Tim Thompson explained that the ZBA made all existing self-storage in the Industrial zone non-conforming when it ruled on an administrative decision. The proposed Amendments would resolve that issue.

There was no public comment.

The Board voted 7-0-0 to recommend approval to the Town Council, on a motion made by Alastair Millns and seconded by Stanley Bonislowski.

8. Public Hearing – Subdivision Regulations Amendments (Section 7.03.E – Table 1) related to parking for Self-Storage Facilities

Tim Thompson explained that the Amendments revise the number of spaces required per unit for internal self-storage facilities to 1 @ 250 and two for employees. Such facilities generate little traffic. The number is consistent across the country, according to his research. All facilities will now be in compliance and will not need waivers.

There was no public comment.

The Board voted 6-1-0 to adopt the amendments, on a motion made by Alastair Millns and seconded Nelson Disco. Tom Koenig voted in the negative.

9. Discussion/possible action regarding other items of concern

Michael Redding asked the status of the survey of the school bus stop at Madeleine Bennett Road, which Tim Thompson said has been done and will be ready by the end of the week. The preliminary feedback from PWD is that the stop has zero impact.

Tim Thompson announced that Highway Safety Committee voted 5-4 to endorse the intersection design at Madeleine Bennett and Old Blood Roads. He asked whether the Planning Board still wants a third party consultant to review safety at the intersection. If so, he will have to hire someone other than CLD, since one of the Highway Safety Committee members who voted on

the proposal is an employee of CLD and part of the peer review team for the Town. Robert Best said the School Board opposes the stop, which will be contentious when it comes before the Planning Board. A consultant's opinion would be helpful.

10. Approval of Minutes – June 3, 2014

Postponed to July 8, 2014.

11. Adjourn

The meeting adjourned at 11:50 p.m., by a vote of 7-0-0, on a motion made by Tom Koenig and seconded by Alastair Millns.