



# 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

### APPROVED MINUTES

**TUESDAY, OCTOBER 17, 2017**

Planning Board members present: Robert Best, Alastair Millns, Tom Koenig, Michael Redding, Paul McLaughlin and Alternate Nelson Disco.

Planning Board members absent: Lynn Christensen, Desirea Falt and Alternate Vincent Russo.

Staff present: Community Development Director Tim Thompson and Recording Secretary Zina Jordan.

#### **1. Call to Order**

Robert Best called the meeting to order at 7:02 p.m. and designated Nelson Disco to sit for Desirea Falt.

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

None.

- 3. Mark Twardoski of MET General Contracting, Inc. (applicant/owner)** — Review for acceptance and consideration of final approval of a proposed 5,000 s.f. high-bay warehouse/office building. The parcel is located at 5 Jennifer Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 4D-1, Lot 001. This item is continued from the September 19, 2017 Planning Board meeting.

Tim Thompson said that the parcel, which has frontage on both Greeley Street and Jennifer Drive, has a previous, unbuilt 2006 approval for professional office space. That plan has been set aside in favor of this project to develop a 7,000 s.f. high-bay warehouse and office building (5,000 s. f. footprint) with associated site improvements. It would be smaller than the 2006 building, which had an 8,000 s.f. footprint. The project has been reviewed by municipal departments and the peer review consultant.

Kevin Anderson, Meridian Land Services, Inc., said the existing dwelling would be razed. Proposed are four rental units with 750 s.f. of warehouse space and 1,000 s.f. of office space each on two floors. At this point, the intended tenant is a contractor, whose vehicles are pickup trucks and vans.

As to Condition #10.b.ii., to remove the landscaping in the Greeley Street and Jennifer Drive rights-of-way or to seek a waiver, the applicant will remove the landscaping. Tim Thompson said the Town Engineer agrees to low shrubs and flowers but not to trees that impede sight distance. Mark Twardoski, MET General Contracting, Inc., said he

would keep plants in the beds consistent. The applicant will comply with the proposed Condition to remove the prohibited species of burning bush.

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 6-0-0 to accept the application for review, on a motion made by Alastair Millns and seconded by Nelson Disco.**

Tim Thompson said that the PWD supports three of the four requested waivers; the fourth (landscape buffers) is a Planning Board decision. They are essentially the same waivers that were granted in 2006.

Alastair Millns asked whether the Jennifer Drive access would become a shortcut, noting it is potentially a safety issue. Kevin Anderson said a shortcut would be difficult because of the grade change on Greeley Street. Mark Twardoski anticipates no problem; there is not much traffic on Jennifer Drive.

Alastair Millns noted that impervious surface would dramatically increase. Kevin Anderson explained that all stormwater goes to catch basins and is recharged. There would be no increase in off-site runoff.

Kevin Anderson said the retaining wall at the back of the building would be 7½' high and would be designed by an engineer. Without a landscape buffer waiver, he would plant additional shrubs. Well established plantings act as a buffer. Shrubs really do not act as screening. Mark Twardoski said it is a thick, impervious buffer one cannot see through. It is difficult to add anything; it is hard even to dig a hole. Kevin Anderson said he could plant along the wall. The current plants meet the spirit of the Ordinance.

Michael Redding asked how outside storage would be controlled. Chairman Best asked whether the contractor would leave work trailers. Kevin Anderson will add a note on the plan regarding the limits of outdoor storage of equipment or materials as directed by the Board, but would like flexibility on use of utility trailers on the site. Using someone else's space is an owner-tenant issue. Mark Twardoski did not want to "handcuff" a tenant. He would leave the 20' utility trailers outside; they are not tractor trailers. This proposal is a high-level commodity for Merrimack. Tim Thompson suggested restricting utility trailer parking during operating hours and allowing it at night. Chairman Best suggested setting aside a certain number of spaces for it. Mark Twardoski has enough parking spaces, so there is no issue.

Mark Twardoski agreed to the Board's requests that there be no floor drains in the buildings, spill kits shall be provided in the units, and no on-site fuel storage. There are no flammable liquids in the office, although there may be some in the warehouse.

Michael Redding asked if all tenants would share one dumpster and whether it would be for offices only. Mark Twardoski will have a plan for what is allowed for each tenant.

Mark Twardoski said only saplings and lilac overgrowth would be removed from the buffer. Only a 3' radius behind the wall would be excavated. The trees would remain.

Michael Redding wanted it noted on the plan. Kevin Anderson added that they must be kept as part of the buffer.

### **Public comment**

Dr. Michael Vacca, 301 D.W. Highway, submitted two photographs and claimed that all the lilacs on Jennifer Drive are on his property. In 2006, Planning and Zoning Administrator Nancy Larson approved the plastic border, which he would like left in place. Dr. Vacca asked how close the building would be to his property line. He suggested that one thin area in the middle of the trees should have more vegetation in addition to the ones he planted. Tenants' children playing there have ruined the vegetation, which he wanted filled in. Tenants use an area near the parking lot to cut through as access to Greeley Street. Chairman Best assured Dr. Vacca that no trees would be removed to build a retaining wall. Dr. Vacca noted that, when lilacs shed their leaves in winter, one can see through them. Chairman Best wanted an effective barrier, which could be an administrative function. New plants could be evergreens. Mark Twardoski will install a 48"-high post and rail fence for safety. Mark Twardoski denied Michael Redding's claim that the roots of two trees would be impacted. Kevin Anderson agreed to the Board's suggestion that any landscaping that is indicated to be maintained shall be replaced in kind (like species and screening characteristics) if damaged during site construction activities. He said that the wall would be 2'-7½' tall and that the building and storage would be at the same level. Mark Twardoski added that one could see only the second floor and the roof from D.W. Highway. Kevin Anderson said the building would be 10' from the north of the property and 20' from the south of the property. Excavation would be within 7' of the line. Tim Thompson noted that the plan states the fence would be 6' high. Kevin Anderson said the 6' fence would be around the dumpster enclosure. He will correct the error. Chairman Best instructed the applicant to make the plan consistent with what is proposed.

A waiver is requested for a sidewalk on Jennifer Drive (not Greeley Street) because it is a dead end with no immediate sidewalk on that street or on Griffin Street. It would terminate at a parking lot, creating a potentially hazardous condition.

A waiver is requested for minimum distance between driveways because that portion of Greeley Street has very few parcels with very little traffic and is separate from the high volume section of Greeley Street. Since the abutting driveways are too close, they would be 50' apart or less rather than the required 150'.

A waiver is requested for driveway width (radii) for 8'-13' rather than the required 25' radius. That radius is sufficient for the anticipated single unit trucks and pickup trucks.

Alastair Millns cited the criterion that specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

**The Board voted 6-0-0 to waive the Requirements of Sections 7.05.D.19 - Sidewalks or Paved Pedestrian Way; 7.05.D.20.b - Minimum Distance between Driveways; and 7.05.D.20.c - Driveway Width (radii), of the Non-Residential Site Plan Regulations, on a motion made by Alastair Millns and seconded by Tom Koenig.**

A waiver is requested for a landscape buffer because the applicant proposes to use the existing vegetation of dense shrubs and numerous lilac trees.

Alastair Millns cited the criterion that strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.

**The Board voted 6-0-0 to waive the Requirements of Section 10.01.4 - Landscape Buffers - of the Non-Residential Site Plan Regulations, on a motion made by Alastair Millns and seconded by Michael Redding.**

**The Board voted 6-0-0 to grant final approval, with the following precedent conditions to be fulfilled within six months and prior to signing of the plan, unless otherwise specified, on a motion made by Alastair Millns and seconded by Tom Koenig.**

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall note all waivers granted by the Board on the final plans and mylars (including Section, and date granted) as applicable;
3. The applicant shall address the comments from the town's peer review consultant, CLD/Fuss & O'Neill, from their September 7, 2017, memo as applicable;
4. The applicant shall address any forthcoming comments from the Fire Department, as applicable;
5. The applicant shall address the following comments from the Public Works Department:
  - a. The street names on Sheet LS-1 are not consistent with the remaining sheets in the plan set;
  - b. As per section 4.18(a) Right of Way Work - monuments shall be set at all street intersections;
6. The applicant shall address any forthcoming comments from the Wastewater Division, as applicable;
7. The applicant shall address any forthcoming comments from the Merrimack Village District, as applicable;
8. The applicant shall address the following Planning Staff Technical Comments:
  - a. Revise the Planning Board signature block, replacing "Secretary" with "Vice Chair" per the Board's current structure (the position of Secretary was renamed Vice Chair in June 2017);
  - b. Address the following regarding the landscape plan (Sheet LS-1):
    - i. The legend includes existing burning bush, which is a prohibited landscaping species in NH under *Prohibited Invasive Plant Species Rules*,

- Agr 3800.* These plants shall be removed and replaced with an appropriate native species;
- ii. The waiver relative to landscaping design shall be noted on Sheet LS-1 in addition to Sheet SP-1;
  - c. The applicant shall note that lighting fixtures are full cut-off in compliance with the regulations on Sheet LT-1;
9. The Applicant shall address the following items as directed by the Planning Board at the hearing:
- a. The applicant shall add the following notes to Sheet SP-1:
    - i. No outdoor storage of equipment or materials shall be permitted on site. Utility trailers may be stored outdoors for periods not to exceed 30 consecutive days;
    - ii. There shall be no floor drains in the buildings;
    - iii. Spill Kits shall be provided in the units;
    - iv. Flammables cabinets shall be required for any materials deemed necessary by the Fire Department;
  - b. On Sheet SP-2, indicate the limit (3 feet) of clearing needed for the retaining wall construction;
  - c. The applicant shall add the following notes to Sheet LS-1:
    - i. Any landscaping that is indicated to be maintained shall be replaced in kind (like species and screening characteristics) if damaged during site construction activities;
    - ii. Supplemental landscaping to fill in any "gaps" in the existing vegetation to be determined applicable and approved by the Community Development Department prior to issuance of a certificate of occupancy.

**The following general and subsequent conditions are also placed on the approval:**

1. 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) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of a Certificate of Occupancy;
3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;

4. A Stormwater Operations and Maintenance manual shall be prepared for on-going future maintenance instructions of all of the drainage facilities prior to the issuance of the Certificate of Occupancy. After the Certificate of Occupancy has been issued there shall be annual reports provided to the Town on the entire Drainage system;
  5. The applicant shall adhere to the recommendations from the Conservation Commission regarding fertilizers for landscaping and Green Sno-Pro certification for winter maintenance;
  6. The applicant shall address any forthcoming comments from the Fire Department, as related to building fire code compliance, sprinkler systems, building addressing, etc., as applicable.
- 4. Synergy Self Storage, LLC. (applicant/owner)** — Review for acceptance and consideration of waiver of full site plan review for modifications to the previously approved site plan regarding access and parking. The parcel is located at 403 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation and Elderly Housing Overlay Districts. A portion of the parcel is subject to the Flood Hazard Conservation District. Tax Map 4D-3, Lot 084-01.

Tim Thompson said the second phase of the five-story building is complete. A site inspection revealed that the area from the building to Wright Avenue contained a paved access road, including striped parking spots for commercial use and storage of trailers that was not included on the approved site plan, as well as several other deviations from the approved plans on the site, including an encroachment on to an abutting property. Although the applicant provided a Wetland Delineation Report from a certified wetland scientist that states the construction of the access road has not impacted jurisdictional wetlands, it did encroach into the 25' wetland buffer area. On July 26, 2017, the applicant sought and was granted a variance from the Zoning Board of Adjustment (ZBA) permitting the wetland buffer encroachment.

Chris Ross, 403 D. W. Highway, said that because cars were parking on both sides of the driveway, he bumped out the curb 2' north of his property line, added 11 parking spaces (5 more for Synergy and 7 more for himself at the northeast corner), shifted the main parking lot away from D.W. Highway and put it against Synergy to gain four more spaces, kept the main lot free for customers and gained parking, which is shown on the new site plan. When staff discovered the fire access road was paved and is wider than shown on the plan, he sought the ZBA variance. He did not see the Fire Department's letter of October 13, 2017.

Chairman Best reminded the applicant that he should not do work before asking for appropriate approvals. The Planning Board cannot approve site improvements (six spaces) on someone else's property. Chris Ross said this is a former Superfund site. Both abutters are dead, so no one will ever build a 20' clearance through its length that the Fire Department requested. Tim Thompson explained that a development agreement could specify the parameters of how to handle the encroachment with timelines for resolution. Chairman Best added that must be done with the owner rather

with the Planning Board. The Fire Department's letter states that it did not ask for a paved road. The paving was done without an engineering design and impervious pavement is close to the wetland. Chris Ross said he had to relocate the parking, so he put it on the access road. The spaces behind the building are now gone. He doesn't know when the Fire Department issued its comments.

Joel Sikkila, Synergy Self Storage, LLC, explained that two storage containers are parked behind the building to replace spaces that were on what is now the access road. Chairman Best informed him that he wants to build more and to conduct more business than what the site plan approved without appearing before the Planning Board. Chris Ross said it was a misinterpretation/miscommunication. In order to keep pavement around the building free for fire trucks, he had to move parking spaces onto the access road. They are not for customers. Storage spaces that would have been around the building would have been rented. Chairman Best noted that cars are now blocking the traffic lane and that Chris Ross originally stated that he does not need more than nine spaces and never mentioned renting them for another use. Joel Sikkila said the gravel access road had a runoff problem. When the road was paved, the runoff problem stopped, but there is an overflow of sediment from the site next door that puts the pavement at risk. The pavement averages 42' wide x 500'.

Chairman Best noted that there are more than 2,000 s.f. of impervious surface with nowhere to infiltrate except on the neighboring property. The applicant should have called in an engineer and either striped the road or erected "no parking" signs on the side where it narrows. He and Michael Redding said the applicant does not have the required 20' minimum width for an access road because of the telephone pole.

Chairman Best noted that the Fire Department letter also cited the "gate at the Wright Avenue end of the road that prevents Fire Department access". Alastair Millns noted that the gate should be noted on the plan and the fire lane marked.

Chairman Best wanted drainage information from a professional engineer.

Chairman Best explained that applicant's options are to have the Planning Board accept the application as complete and start the 65-day clock, then ask for a continuance, if necessary, or for the Planning Board not to accept the application as complete, which would afford the applicant more time. Nelson Disco said that no one on the Planning Board was willing to accept the application as complete.

**At the applicant's request, the Board voted 5-1-0 to continue this item (acceptance and public hearing) to December 19, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Paul McLaughlin. Nelson Disco voted in opposition.**

**5. 4 Executive Park Drive Realty, LLC. (applicant/owner) — Preliminary Design Review meeting to review traffic impacts and mitigation strategies of a potential 280 unit multi-family residential project located at 4 and 6 Executive Park Drive located in the C- 2 (General Commercial) and Aquifer Conservation Districts and 100 year Flood Hazard area. Tax Map 4D, Lots 076 & 077.**

Tim Thompson said the former Merrimack Hotel has been demolished and that Woodspring Suites, the extended stay hotel on the adjacent lot, is complete. On May 31, 2017, the applicant received a special exception and variances from the ZBA for multi-family use of the property and for density requirements and is in the preliminary stages of proposing to develop the now vacant parcels into 280 multi-family residential units. Several months ago the Board agreed that, prior to preparing a formal application for the site plan, it would hold a preliminary meeting to discuss the traffic situation in the area, for the applicant to prepare and present an initial traffic impact analysis for the proposed multi-family development and for the Town's peer review consultant (CLD) to review and comment on the traffic impact analysis. This is a pre-application non-binding design review meeting and not part of the formal application process at this stage.

Attorney Greg Michael, Bernstein Shur, Sawyer & Nelson, said that reopening a hotel would create more traffic than Woodspring Suites and 280 apartments combined. Retail would be a significantly larger use than apartments. The area is zoned commercial, but retail use is allowed. The proximity to Shaw's Plaza, shops, Cinemagic, and other uses would form a mixed use. Traffic at peak hours would not be huge. The applicant plans to work with the State to improve signs and signals for the entire area, to minimize impact and to help a difficult traffic situation. CLD says "the recommended improvements, including signal equipment repairs and upgrades and implementation of coordination, should have a beneficial impact on traffic flow in the study area during peak periods".

Jason Plourde, Project Manager, Beta Group, Inc., did a 620-page traffic analysis. He met with the Merrimack Town staff and the NH Department of Transportation to scope the study in June. Both Merrimack and the State have jurisdiction at several intersections. All areas and signals should work together to improve existing conditions. Proposed solutions for the nine intersections include:

- Design a coordinated traffic signal system that would include the Continental Boulevard, Greeley Street, Amherst Road and Camp Sargent Road intersection; the Greeley Street and F.E. Everett Turnpike northbound ramps; and the Greeley Street and D.W. Highway intersection.
- Design a Peer-to-Peer responsive traffic signal system that would include the Amherst Road and Executive Park Drive intersection; the Continental Boulevard, Greeley Street, Amherst Road and Camp Sargent Road intersection; and the Camp Sargent Road, F.E. Everett Turnpike southbound ramps, and Dobson Way intersection.
- Repair or replace the faulty loop detector at the Continental Boulevard, Greeley Street, Amherst Road and Camp Sargent Road intersection to help improve the traffic signal efficiency during off-peak periods.



- Optimize the traffic signal parameters at the Greeley Street and F.E. Everett Turnpike northbound ramps to provide more green time for the Greeley Street eastbound left turns onto the northbound on-ramp.

Jason Plourde described the Peer-to-Peer responsive traffic system, which measures demand and sends information to the signal through an internet cable, which gives an immediate response. Loop detectors control green time. For example, they give a green signal if no car is coming onto the intersecting road. Jason Plourde predicted the project would have no significant traffic impact. The majority of traffic uses the Turnpike. He repeated that apartments generate less traffic than retail does. The State is eager see this project implemented.

Chairman Best asked how much better the situation would be. Mitigating the traffic impact of the project is key to approving the project. Chairman Best was leery of the implicit "trust me" element, stating that there is no room for the slightest impact. Chairman Best said that 40 more cars at rush hour would add to a jammed intersection and that traffic analysis is not foolproof. Attorney Michael noted the current patchwork situation. The applicant proposes a more permanent solution and is trying its best to make it work. The State will participate. He asked what more the Board needs and whether it thinks this proposal would work. Chairman Best said there is no guarantee that the applicant would get to the finish line with the State. If it works, this is the right track for apartment approval, but how can the applicant prove the light system would do what is intended? Attorney Michael objected that no one can promise there is no room for error.

Nelson Disco suggested phasing/granting approval in stages. For example, the Board could grant approval for 2-3 of the five buildings while seeing what happens with the new light system.

Alastair Millns asked what would happen if people want pedestrian lights at Executive Park Drive to make the mixed-use project walkable. He suggested a pedestrian over-bridge like the one at Pennichuck Middle School in Nashua.

Jason Plourde said he had used a computer model for the study. Alastair Millns asked how DOT would know if something like a loop detector were broken. He claimed the NH Department of Transportation (DOT) does not check well, although Jason Plourde said the State performs annual equipment maintenance checks and follows up on complaints. A Peer-to-Peer system would be new and the State wants to see it implemented so it can use it in other places. In his opinion, that means that they will check the system. Chairman Best and Alastair Millns countered that DOT knows the loop detector on Continental Boulevard is broken, but has done nothing. Jason Plourde explained that the State does not want to mix old and new equipment. This would replace old equipment with all new equipment, which will be very costly. Pedestrian lights create more delay. His primary focus is to improve traffic. Jason Plourde does

not recommend stopping cars in all directions. Chairman Best emphasized that pedestrian walkability is part of the mixed-use concept.

Nelson Disco suggested a safety island to allow crossing half the intersection at a time. Michael Redding wanted the Planning Board to see how the model works and an example of a Peer-to-Peer system it could look at. Jason Plourde said there is no system in New Hampshire, but offered to locate one in Massachusetts.

The Board requested a comparison of current and proposed "travel time runs" between certain intersections at certain times.

The Board was skeptical that DOT would work with the applicant, based on the Board's previous experience. Jason Plourde noted that the project would be privately financed; no State funds would be provided. The shared driveway at D'Angelo's would not be changed to two ways because of limited sight distances. The Executive Park Drive driveway to the north would be closed.

Paul Konieczka, Senior Vice President, CLD, Fuss & O'Neill, said DOT is designing improvements (widening) of the Turnpike, including the Merrimack interchange. He suggested that Town residents tell DOT that this situation is worsening, that the Turnpike and interchange must be improved and that this plan should be implemented. Coordinated signals and better allocation of green time would improve operations overall. Paul Konieczka wants to know how much traffic is going in each direction. He listed several problems in coordinating the program. The key is the proposed 4%-5% traffic increase over existing levels. The counts were done properly and the impacts are reasonable. Seeing the model would make queue and spillback issues clearer. Paul Konieczka is interested in seeing the Massachusetts Peer-to-Peer sample. A pedestrian light presents a dilemma: It cannot be placed on certain roads, but the Planning Board wants one as part of the mixed use area. One possibility is a "concurrent" light at Executive Park Drive that does not stop all traffic. In his report, he noted that no data of the types of crashes were provided. They would have been useful to augment the capacity and queuing analyses as well as a possible indication of any casual effects from the observed congestion. The total number of crashes differs between the local police records and DOT's data during the overlapping years that the data sets covered. Simulations can show if the situation would improve and would give more comfort with the results, but there is no guarantee. Improvements would be coordination (a benefit in itself), better allocation of green time and fixing the loop detector. There is no guarantee they will make up the difference in the project's addition of more traffic, but there would be some improvement. Paul Konieczka prefers widening the island for a pedestrian crossing rather than adding or removing it.

### **Public comment**

Dan Ricker, 12 Merrill Road, is of the opinion that the scope of the study is incomplete and should be expanded or redone because the dangerous turns at Continental Boulevard and Dobson Way, at Greeley Street and Whitney Street, and at the right turn onto Mound Court were not included. He asked why the study was done on two days, August 10 and 12, 2017, rather than during the school year and whether two days are

enough. He asked why the week of November 28-December 3, 2016, was included. Chairman Best explained that data from other studies were included. Dan Ricker asked why only one day was spent at Executive Park Drive. Some data should not be included because the counter did not work properly during the test. Why were 2016-2017 crash data not included? Dan Ricker received January 1, 2015-August 1, 2017, crash data from the Police Department. 90+% of crashes were due to driver fault. More drivers would mean more crashes. Tim Thompson explained that the proposed subdivision on Watkins Road and the Gia's market property were not included because they are included in the background growth for traffic. Dan Ricker countered that 50,000 s.f. could have a huge impact if rented. He claimed that the Planning Board can deny the application because the project was not in the best interest of the Town, which was done in Londonderry for a similar project. Tim Thompson clarified that Londonderry reconsidered and approved the project Mr. Ricker is referencing. Chairman Best explained that the Planning Board makes its decision on whether an application meets regulations. If it does, the Board must approve it. Alastair Millns said that DOT data do account for variations in dates.

George Theodorou, 10 Bryce Drive, would support the application because it would improve traffic. If it were denied, traffic would not improve. He appreciates the applicant's efforts to improve the situation. A serious issue is that people from the apartments would walk to the stores. He suggested placing a police officer at the Amherst Street intersection. Chairman Best said the police respond when an issue is brought to their attention. George Theodorou said increased morning and evening traffic is not "minimal". Chairman Best agreed that a 5% traffic increase from one property at peak hours is not minimal, especially when it works at only 50% capacity now.

Dave Hammond, 18 Valleyview Drive, asked how traffic would be improved; no specifics were offered. He suggested getting the best- and worst-case scenarios. Pedestrian traffic is a "disaster waiting to happen". Chairman Best said that, since people would walk where they want to go no matter what, a way to do so safely must be provided. Dave Hammond wanted data about what would happen if certain numbers of cars and pedestrians were added. Tim Thompson said the original study is on the Town website, but not CLD's review. The website is under construction, so he cannot update anything now, but will post as soon as he can.

Ryan LeBlanc, 4 Ash Lane, co-owns 5 Executive Park Drive. He asked whether added traffic would offset the improvement. He is optimistic because it is a disaster now. His customers arrive late during peak times. He likes the idea, but he wants to see the actual simulation. He would like to know what the actual change in commuting time at the intersections would be.

Nate Barry, 7 West Chamberlain Road, said that, although the plan is good, he is skeptical that it would turn out well because there are so many variables. An unoccupied business could generate more traffic when rented. He suggested putting the Board's and public's parameters into the simulation. The apartments would worsen the situation. Nate Barry asked if there is another way to fix the lights rather than approving the project. Chairman Best suggested calling State representatives and

senators, getting the vote and putting it in the budget. DOT has not cooperated in the past; community action could make a difference. Nate Barry said a pedestrian light or crossing would be dangerous because people would walk rather than drive to Shaw's. All pedestrians would come from the apartments, which is another impact. Chairman Best stated that the number of bedrooms makes a difference in how many children to expect and that this use may be better than retail.

Bob Hebert, 3 Heidi Lane, said a hotel has different hours than apartments do, which run morning and night. A different time schedule means a different traffic schedule. The simulation may not reflect reality. For example, cars leave a light at different times. Cars would leave in several directions, but they must all come home. Chairman Best agreed that a simulation must be realistic. He explained that CLD is the Town's expert and advises the Planning Board about the applicant's science. The Planning Board does not rely just on the applicant.

Jenna Halvatzer, 1 Mason Road, Mont Vernon, commutes to work at Franklin Savings Bank in the area. Traffic jams have an economic impact on local businesses. There is not much room for error. School in session should be a factor in a simulation. Jenna Halvatzer asked who would be responsible after the changes are made or if they do not work and whether there is a Plan B. Chairman Best replied that there is none because the signals cannot be torn down if they do not work. Perhaps Nelson Disco's idea of phasing should be considered: if there is no traffic improvement the rest of the apartments could not be built. Tim Thompson said that is not how phasing works. Jenna Halvatzer said pedestrian flow is important. She asked whether there is a situation like this in Massachusetts that was fixed that could be seen. Weather has an impact on traffic. She suggested adding a certain number of inches of snow and winter conditions in the simulation.

Joseph Nichols, 17 Edgewood Avenue, asked how long the new technology has been in use and whether has been proven. Chairman Best repeated that the State wants Merrimack to install the system in order to see if it works. Joseph Nichols asked if it comes with support and data collection. Chairman Best said the State wants it to succeed so it can use it elsewhere. Even ordinary light coordination would be an improvement. Data collection and test results are important. Joseph Nichols estimated that 280 apartments could generate 560 cars, but Tim Thompson noted that there would be 172 new trips at the afternoon peak. Chairman Best repeated that the number of bedrooms affects the number of cars. Traffic experts understand residential traffic flow well.

Because Attorney Michael wanted time to answer questions and comments, he asked for a continuance.

**At the applicant's request, the Board voted 6-0-0 to continue this item to November 7, 2017, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Alastair Millns and seconded by Nelson Disco.**

## **6. Discussion/possible regarding other items of concern**

Chairman Best informed the Board that NH Department of Environmental Services (DES) wrote to Flatley Company suggesting that it test for PFOA, etc., at St. Gobain before building the residential portion of its proposed mixed use development, even though permits were already granted. He asked whether the Planning Board wanted to send a similar correspondence. Tim Thompson said he would draft a letter referencing those from DES and encouraging Flatley to act on their suggestion. The Town Manager encourages the Board to do this. Chairman Best would add that the Board would expect it at the time of site review. **The Planning Board consensus was to send such a letter.** Michael Redding asked whether the Board should do the same for Webster Green. Tim Thompson replied that this is a project that would disturb the ground, whereas Webster Green is an existing development. Michael Redding asked how data would help. Chairman Best said Flatley could decide not to build. The Planning Board has no environmental regulations, but it can say it shares DES concerns and that the applicant should do research before building. Tim Thompson said the letter would indicate the Board's concern even though Flatley could build tomorrow. It is a symbolic gesture. Chairman Best did not want the Planning Board to be blamed if something showed up 20 years after it gave its approval. Tim Thompson will circulate a draft to discuss at the next meeting.

#### **7. Approval of Minutes — October 3, 2017**

**The minutes of October 3, 2017, were approved as submitted, by a vote of 6-0-0, on a motion made by Nelson Disco and seconded by Alastair Millns.**

#### **8. Adjourn**

**The meeting was adjourned at 11:40 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Paul McLaughlin.**