



# Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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## MERRIMACK PLANNING BOARD

### APPROVED MINUTES

TUESDAY, SEPTEMBER 1, 2015

Planning Board members present: Robert Best, Alastair Millns, Michael Redding, Lynn Christensen (arrived 7:07 p.m.), Desirea Falt, and Alternates Nelson Disco and Jeff Sebring.

Planning member absent: Tom Mahon.

Staff present: Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

#### 1. Call to Order

Robert Best called the meeting to order at 7:03 p.m. and designated Nelson Disco and Jeff Sebring to sit for Lynn Christensen and the vacant full member position.

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

None.

3. **John J. Flatley Company (applicant/owner)** – Review for acceptance and consideration of Final Approval of an application for a site plan to construct 240 multi-family residences, clubhouse, and associated parking and drainage improvements, per the requirements of the Flatley mixed-use Conditional Use Permit. The parcels are located at # 645, 673, 685, 703 and 707 D.W. Highway in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05 & 003-06. ***This item is continued from the June 16, July 21, and August 18, 2015 Planning Board meetings.***

Lynn Christensen arrived at 7:07 p.m.

Robert Best recused himself from discussing and voting on this agenda item. Alastair Millns assumed the chair and designated Nelson Disco to sit for Robert Best.

Jillian Harris explained that the applicant seeks the Planning Board's feedback about Phase 1, which would consist of multi-family residences. A traffic study and CLD comments have been received; revisions are in process.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, said Phase 1 would consist of 240 multi-family units and associated improvements. The Conditional Use Permit (CUP) was signed tonight. The site would include five 48-unit four-story garden apartment buildings, a clubhouse, pool, two tennis courts, and a playground. Each building would have a 10-stall garage. An access road, lighting, utilities, walkways, and a buffer between buildings and along the perimeter of the property would also be

constructed. As the Planning Board suggested, there would be green space at each building. Some improvements have been made: access and grading on the east, and an internal loop as requested by the Fire Department. 583 parking spaces plus 10 at the clubhouse meets the required 593. With the 50 spaces in the garages and 17 spaces for the handicapped, a total of 620 would be provided, so a parking waiver will not be necessary. There would be pedestrian access, sidewalks, and a trail along the perimeter. Municipal sewer, water and natural gas are on site. Off-site improvements include configuring the traffic lanes and improving the water system. A series of storm water swales and a closed drainage system would go to mitigation treatment areas, consisting of two rain gardens and two infiltration basins.

The applicant will ask the Zoning Board of Adjustment (ZBA) for a Special Exception to encroach into the wetland buffer to provide access and storm water mitigation. Merrimack Conservation Commission (MCC) and Lower Merrimack River Advisory Committee suggestions would be followed.

Substantial revisions were made to address the comments in CLD's July 16, 2015, letter. The revised plan will be submitted after the Planning Board comments.

Alastair Millns reminded the applicant that the Planning Board wanted four of the five residential buildings to be erected in Phase 1 before erecting the commercial buildings. Chad Branon said the phases would be made clear on the site plan. The goal is to approve five units but not to construct the fifth one in Phase 1.

Nelson Disco wanted to see the phasing, CLD comments and the traffic study. Jillian Harris explained that revisions will be submitted before these items are distributed to the Board.

Alastair Millns reported that he saw the traffic analysis summary. It proposes turning lanes into the site in both directions. D.W. Highway is under the jurisdiction of the NH Department of Transportation (DOT). Alastair Millns wanted to learn what DOT wants.

Nelson Disco also wanted to see the fiscal analysis. Alastair Millns explained that it is part of the CUP, which was signed tonight.

Michael Redding agreed with Nelson Disco's requests. He also wanted to see Merrimack Village District (MVD) comments.

Michael Redding asked whether the applicant would refrain from using de-icers, which is now a standard Planning Board requirement. Chad Branon met with MVD and Underwood Engineering, who will review off-site water improvements. He met with Community Development staff about CLD drainage review, which makes MVD and Underwood redundant. The design meets all requirements. There would be recharge on site. Drainage and erosion control revisions were made to comply with all CLD comments. No substantive design changes have to be made.

Michael Redding asked what part of off-site infiltration basins would be done on site and how sediment and debris would be controlled and maintained. Chad Branon said a storm water management maintenance schedule is part of the State's Alteration of Terrain Permit. There is less green space on the internal area at the 10 buildings than planned. The area is less flat than previously thought. There would be two rain

gardens, grass swales within the parking area, deep sump catch basins, and a forebay infiltration system to clean out sediments. The system is oversized.

Michael Redding asked about floatables, oils and grease and suggested collector basins or snouts. Chad Branon said a significant number of test pits were dug, showing that the soil rates are better than the NRCS infiltration rates, so he did not have to do NRCS studies. An Alteration of Terrain Permit requires higher rates. Test pit data are included in the storm water management report. No groundwater or ledge were hit. There is no seasonal high water table. Test pit data and infiltration reports, which are part of the Alteration of Terrain Permit, will be provided to the Board. Kevin Walker, John J. Flatley Company, said an on-site crew would do maintenance; otherwise it would be subcontracted. Michael Redding liked the idea of a high infiltration rate.

Michael Redding asked if there would be more than grass between areas, such as landscaping and trees. Chad Branon said that Flatley does landscaping well on its projects. A detailed landscape design will be part of the next submission. The suggested snouts are on the plan set. They may be moved closer to the parking area to make them more accessible. Suitable access for maintaining all areas will be provided.

Michael Redding asked about wetland buffer mitigation and the proposed ZBA Special Exception. Chad Branon said it is a permitted use by right. The site would be self-contained. All improvements would drain internally, which is part of the impact. Infiltration basins and rain gardens would help the mitigation. A culvert would be installed to allow storm water to run under the site and provide an avenue for the wetland to overtop in a storm event. The access road is also part of the impact. A sewer easement limits the ability to place the buildings and parking areas. There would be no substantial impact to the buffer. The building setback is 40' and the wetland buffer is 25'. Michael Redding agreed that is reasonable.

Michael Redding asked about connectivity and preserving some site features. Chad Branon said there would be a playground and a pedestrian trail. The MCC asked him to eliminate the proposed pedestrian bridge over the wetland. The trail would be parallel to the parking and access, so there would be more buffer impact. Most Flatley projects have those types of amenities. Alastair Millns asked about the MCC's reasoning, which Chad Branon replied is to make less impact to jurisdictional wetlands. Alastair Millns and Michael Redding wanted the bridge/access to the wetland, which Chad Branon said is dry most of the year. Alastair Millns will be in touch with the MCC about the matter.

Jeff Sebring asked whether the Public Works Department (PWD) wants a full road or an emergency access road into Allen Road. Chad Branon said the PWD dropped its request. The applicant does not want to make more roads that would attract people to the rear of the site. By keeping roads 250' from the Merrimack River, there is no need to file for another permit.

Jeff Sebring asked what residents would see from their backyards. Chad Branon replied that they would see mature woods. The buffer to the property line would be 70+'. The wetland areas are forested. There are no ponds. The distance from the property line to Building 5 in Phase 2 would be 148', with a 20'-25' grass platform and a 30'-40' swale, creating a buffer of almost 100'.

Lynn Christensen reminded the applicant that the Planning Board's concern is a mixed use of the property. It wants to develop a restricted amount of residential space and the commercial component at the same time rather than to erect five residential buildings in Phase 1. Kevin Walker said that leasing agents are hesitant about building the commercial component until the apartments are built, and Mr. Flatley does not want to build the fifth residential building while people are occupying buildings 1-4. Kevin Walker said that the Homestead Restaurant needs more parking; the overflow now parks at a church across the street. The applicant laid out additional parking for the Homestead within walkable distance from the apartments. Mr. Flatley proposes building all five residences in exchange for giving parking to the Homestead Restaurant as the commercial component. Construction costs have risen 20% in the last two years. The first question that interested retail and industrial occupants ask is when the apartments would be built. They are more likely to build or rent if they know that all the apartments would be built. There would be less site disturbance and it would be economically more feasible to build all five simultaneously.

Lynn Christensen said Homestead parking would incorporate a commercial use. Building unit 5 later would disturb the residents and is a safety issue. The proposed compromise is a good “out” for the Planning Board to approve a mixed use. Alastair Millns wanted staff's opinion. Chad Branon agreed to provide building elevations, landscaping and lighting plans, and typical floor plan layouts. Desirea Falt suggested that, if the Homestead compromise is rejected, the applicant erect the first building at the clubhouse near the road. She asked if a walkway would connect to the Homestead property or if pedestrians would have to walk on the road near the frontage. Chad Branon said the improvements would have no impact on the site, although he would have to reconfigure the rain garden and storm water management area. It would be easier to have a pedestrian connection. The entry would be at the Homestead and not on this property.

Nelson Disco asked about the location of the loop road, which Chad Branon said would be internal and not to D.W. Highway. There would be no subdivision. The residential units would be rentals.

Alastair Millns polled the Planning Board about the proposed Homestead parking. Nelson Disco agreed if there were pedestrian access. Desirea Falt and Alastair Millns agreed, but noted that this would just be parking access rather than a second use.

Desirea Falt asked about a theme or motif that would give a similar feel throughout the project. Chad Branon said that elevations were submitted as part of the CUP process. He will resubmit a more complete elevations package. Landscaping ties the project together. There is green space and usable land around each building. Desirea Falt encouraged the use of similar materials and colors.

Desirea Falt asked whether the culvert is for wetlands overflow. Chad Branon explained that it is for drainage and would not alter the watershed. A “critter crossing” is not required. He is working closely with Fish and Game about wetlands crossings.

Desirea Falt asked whether utilities along D.W. Highway would be put underground. Kevin Walker said the poles would stay up, but that everything within the project, which is privately owned, would be underground.

#### **Public comment**

Michael McDonough, Owner, Homestead Restaurant, 641 D.W. Highway, said that extra parking is a great opportunity.

**The Board voted 6-0-0 to continue this item to September 15, 2015, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Nelson Disco and seconded by Michael Redding.**

Robert Best returned to the meeting and resumed as the chair.

- 4. Robert Lavoie (applicant) and Gregg R. Kennedy (owner) – Review for acceptance and consideration of Final Approval of an application for a 2-lot minor subdivision. The parcel is located at 8 Fuller Mill Road in the R-1 (Residential) District. Tax Map 4B, Lot 153. *This agenda item is continued from the June 16 and July 7, 2015 and August 4, 2015 Planning Board meetings.***

Ken Clinton, President, Meridian Land Services, Inc., sent an e-mail on August 27, 2015, asking that this item be tabled to October 6, 2015, so he can submit a revised subdivision plan that reflects the variances granted at the August 26, 2015, ZBA meeting.

**At the applicant's request, the Board voted 6-0-0 to continue this item to October 6, 2015, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Alastair Millns and seconded by Lynn Christensen.**

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

Nelson Disco will circulate the Nashua Regional Planning Commission (NRPC) Technical Advisory Committee's revised Bicycle and Pedestrian Plan, which now puts more decisions about locations on individual towns. Volunteers are wanted to implement the plan. Nelson Disco commented that Merrimack has not shown much interest in developing sidewalks and suggested discussing it with Town Council. Chairman Best noted that some Merrimack citizens are interested in sidewalks.

Chairman Best announced a DOT/Department of Environmental Services (DES) September 30, 2015, conference sponsored by the Bicycle and Pedestrian Transportation Committee's Bike Walk Alliance of NH (see attachment).

Alastair Millns reported that the meeting with the Department of Health and Human Services (DHHS) developer of marijuana clinics is available on the local cable access TV station. Merrimack was the most welcoming town. Alastair Millns commended the Police Chief for a fantastic presentation.

#### **6. Approval of Minutes – August 18, 2015**

**The minutes of August 18, 2015, were approved, with changes, by a vote of 6-0-0 on a motion made by Lynn Christensen and seconded by Alastair Millns.**

## **7. Adjourn**

**The meeting adjourned at 8:30 p.m., by a vote of 6-0-0, on a motion made by Alastair Millns and seconded by Desirea Falt.**