

MANCHESTER PLANNING BOARD
PUBLIC HEARING / LIMITED BUSINESS MEETING MINUTES
February 04, 2016 – 6:00 p.m.
City Hall, Third Floor – Aldermanic Chambers

Board Members Present: Chairman Mike Harrington, Vice Chairman Ray Clement, Guy Guerra, Matthew O'Brien, Kevin McCue, Jim Roy, Pierre Boissonneault, Alderman Joe Kelly
Kelly Levasseur

Alternates Present: Michael O'Donoghue, Catherine Flinchbaugh, Dan LeClerc

Excused: Eric Kizak (member)

Staff Present: Pamela Goucher, Deputy Director of Planning & Zoning; Jeff Belanger, Senior Planner and Jodie Levandowski, Planner

- I. **The Chairman called the meeting to order and introduced the Planning Board Members and Planning Staff.**
 - **Presentation by Manchester Community College for a proposed new academic building of approximately 29,000 SF on the college's campus at 1066 Front Street (Tax Map 768, Lot 39). This request is consistent with RSA 674:54, Governmental Land Uses.**

Tom Burns, project manager with TFMoran, advised that they are the civil engineering consultants working with Manchester Community College on developing a proposal for a new advanced HVAC and electrical technology building on their campus located off of Front Street. They are here tonight to give a brief presentation of the plans they are developing with the college. Also present was Susan Huard from Manchester Community College as well as Ron Lamar and Doug Shiloh of Lavallee Brensinger, the architects for this project.

Mr. Burns advised that their proposal is for an approximately 14,000 SF footprint multi-story building with two floors with a partial lower level that would be built into the hillside adjacent to the campus's access drive off of Front Street. The building will take advantage of the steep slopes by doing the multi-level built into that slope with the primary access from the existing parking area with a courtyard area that will be part of the main entrance. The building would be served by an extension of existing utilities that have been extended under the recently reconstructed access drive.

In looking at the Grading Plan, Mr. Burns said there is an existing detention basin with a sediment forbay that was recently reconstructed as part of the driveway reconstruction. They will be taking advantage of that basin in its existing capacity to collect and route all of the new impervious runoff from this building roof. Using the existing drainage system that is on the campus right now they will be piping all of the new runoff to this basin and based on its available capacity they determined that there will be no impact to downstream interests from this site. They will be able to accommodate required recharge and treatment of that runoff. They will be going to the NHDES to secure an Alteration of Terrain permit and they were able to meet all of their requirements for that.

Mr. Burns said they do not expect, based on the proposed use of this building as it is an expansion of the campus' program, to see any significant traffic impact to Front Street and the adjacent roads. There is no additional parking proposed for the building as they will be taking advantage of the existing parking area.

Mr. Burns referred to the Architectural Plans and showed how the building would be sited on the existing slope. He said it will have two stories primarily exposed and the lower level will be built into the slope so it really takes advantage of that hillside. He showed a perspective of the main entrance with the proposed courtyard area in front of it as well as the location of the parking area.

Chairman Harrington asked if the mechanicals on the roof are shielded in any way. Mr. Burns said they will be exposed. The Chairman said it looks like there may be a railing up above the parapet wall. Mr. Burns said there is no railing proposed.

With respect to Mr. Burns' comment that traffic will not increase as a result of this addition, Mr. McCue said he was a little concerned about the intersection that was just rebuilt down on River Road going up to the campus. He knows they put turning lanes and there is a traffic light going in, which is a good thing for that area, but he was concerned because it is still pretty narrow down there and the poles are kind of hanging right on the edge of the berm on the road. He asked if they were going to consider moving some of those poles back a little bit more. Mr. Burns said there is no traffic improvements proposed.

Mr. McCue asked if they are anticipating any increase at all in students as a result of this addition. Susan Huard, President of Manchester Community College, advised that they do anticipate some increase in the number of students. However, because this is going to be advanced manufacturing and a higher level of electrical technology they anticipate that the students will be coming in the evening and on weekends but a lot of what they do will be off campus. As such, in the mix of students she does not think they will see additional traffic. Right now they have 115 HVAC majors and 75 electrical tech majors and they anticipate some growth but they probably are talking only about 20%. She said this is their opportunity to give their students higher end training and they literally have run out of room in the building, which is a great problem to have.

Mr. McCue asked if they have done a traffic count of how many students commute to the school because it is not a dormitory style school and they are all commuters. Ms. Huard said the last time they did a traffic count was in 2013 so she would have to go back to that. She said more than 600 of the approximately 4,500 students at the college come by bus and the other students come by car. It is spread out across the day. Their classes begin at 7:30 AM and run until 11:00 PM.

Mr. McCue said he was still a little concerned about that intersection on River Road as it is very narrow and it is a very dark road. Ms. Huard said it is of great concern to them and she wished they could have a traffic light. She said they have proposed five or six plans for a blinking light

or a traffic light that is only used at their two high traffic times and basically what will work for them is when Exit 6 and Exit 7 are moved and that will become a secondary exit for the college.

Mr. Clement asked if this is the type of technology and training that the businesses in the area are looking for. Ms. Huard said absolutely and that they are very fortunate that there are 49 companies represented on their HVAC Advisory Committee. They also anticipate that they are going to see quite a number of donations. They hope to serve as a training center for at least the northeast. There is no one who is doing generator training so they are very well connected to the industries they're going to serve. There will be an announcement made shortly about a partnership with the IBEW and Eversource so this is truly state of the art. Mr. Clement said he was glad to hear that something is being done in that direction. Ms. Huard said there is a need for more tradesmen.

Mr. Clement asked if they will have staff on site. He noticed there were bedrooms on the upper level. Ms. Huard said that is a house so they can do the residential electrical.

Chairman Harrington thanked Mr. Burns and Ms. Huard for their presentation and the courtesy that they have given the Board. He wished them the greatest success with this endeavor.

The Chairman stated if there was anybody out there listening who wants to take this type of training that they should contact the Manchester Community College.

II. PUBLIC HEARING:

(With respect to the applications below, appropriate materials have been submitted to invoke the jurisdiction of the Board. Although additional information may be required prior to final consideration, it is the recommendation of the Staff that the Planning Board accepts the applications and conducts a public hearing. A motion would be in order.)

Mr. Roy made a motion to accept the new applications and conduct a public hearing, which was seconded by Mr. Boissonneault. (Motion Carried)

Chairman Harrington advised that two of the less extensive agenda items would be heard first.

5. CU-01-2016

Property located at 470 Pine Street (Tax Map 7, Lot 1), an application for a Conditional Use permit to allow other business and professional offices and offices of health care practitioners and outpatient health care within the C-1 Zone. Tom Deblois for Tokena Corp.

6. CU-02-2016

Property located at 470 Pine Street (Tax Map 7, Lot 1), an application for a Conditional Use permit to reduce required parking by eight spaces within the C-1 Zone. Tom Deblois for Tokena Corp.

Mr. Deblois advised that the building known as the former St. Joseph's Junior High School has been closed for 3-4 years. It was built in 1920 and hasn't been on the tax rolls since that time. He purchased the building and hopes to change it into professional and business uses. The first tenant is the clinical use of the Neodevelopment Institute that they are seeking the conditional use permit for tonight.

Mr. Deblois advised that they went before the Zoning Board last night and there was a portion of their business that wasn't allowed by special exception and that was granted. Therefore, the use permit zoning wise has been approved. They just need the approval of the Planning Board on the special exception.

Mr. Boissonneault said no parking was proposed for this site for the obvious reason that there is no place for it. He inquired if they did an inventory of what may be available in the neighborhood. Mr. Deblois said within a block of the building there is the Hartnett public parking lot, which is south of the building. North of the building is the Pearl Street parking lot, which is also a block away. Within a block of the building there is over 125 meters that are available and if you go by there during the day the majority of them are not used.

With respect to the primary access, Mr. Boissonneault asked if they were going to use all of the doors or mostly the Pine Street door. Mr. Deblois said the way the building is set up they would probably will. The High Street side would be convenient for people that are on the south end of the building. Towards the Bridge Street side would be very convenient for people who are going to use the north side. He said the main entrance probably won't be as used as much as the school used it because of approach.

Chairman Harrington advised that Ms. Flinchbaugh and Mr. Guerra had arrived.

Mr. Roy recalled Mr. Deblois coming before the Board with another property and it seemed like he was back every month because of different tenants moving in and the Board tried to accommodate him so that didn't happen in the future. He asked if they would be able to do the same with this property. Ms. Goucher advised that she had the discussion with Mr. Deblois about that procedure and he is well aware of what he has gone through in the past on the Rogers Street property. Her guess is that at some point they may be able to sit down and look at the range of uses that is permissible and see if he wants to present such a letter to the Board to allow them to do what they did for him on Rogers Street. The difference here right now is Mr. Deblois has just gotten his first tenant who is taking what amounts to a fairly small space in a building that has a lot of room for tenants. She thought ideally Mr. Deblois would prefer to have one or two other tenants as opposed to a number of tenants but at this point he doesn't know because he is just getting it fitted up.

As a follow up, Ms. Goucher advised that Mr. Deblois has also been looking at whether he wants to bring a rezoning application before the BMA to extend the CBD. If he did that, there is a wider range of uses including the one that he had to go to the Zoning Board for as well as

this one under a conditional use permit. Right now she thinks Mr. Deblois is trying to decide how he wants to approach this, but once he gets the potential for more tenants, he will be back and they will try to decide at that point what makes some sense.

Mr. Deblois said that he has had a good relationship with the Planning staff on other buildings in town so he will continue to work with them to solve the problems as they exist and once they know who the tenants are going to be, then the advice and counsel from the Planning staff will give them direction.

Mr. O'Brien asked about the historic condition of this building. He asked if there are any moldings or features that are unique to it. Mr. Deblois advised that the building was built in 1920. There is a lot of wainscoting that is of the dark stained nature, which is about four feet off the floor. The rest of the walls are sheetrock.

Mr. O'Brien asked what kind of renovations they plan to do on the inside. He asked if they intend to overhaul, add walls and that type of stuff or if it is just repurposing the existing rooms. Mr. Deblois said if he could tell him who the tenants are going to be he could tell him what the renovations would be. He said he is driven by the needs of who wishes to rent space. He said the classrooms can be subdivided into a couple three offices quite easily. He said he can't answer that question until he knows the needs of the tenant that wishes to move into the building. He knows that the halls are very wide being 11-1/2 feet wide and are almost 200 feet long.

With respect to the request for reduced parking, Ms. Goucher believed that there are a number of metered spaces that Mr. Deblois referred to earlier that are 10 hour limits as opposed to most of the meters around downtown and City Hall, which are two hour maximum limits. Therefore, if he were to get some tenants that were satisfied with on-street parking, there is a good chance that they can actually park there for the day because of the 10 hour allowance on those particular meters. Mr. Deblois thanked Ms. Goucher for bringing that up and said that was a point well taken.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this application and the Chairman brought the hearing back to the Board.

Chairman Harrington advised that the Board had received sufficient information to close this public hearing. He advised that this was on the agenda tonight in the limited business meeting so the Board may be able to render a decision this evening.

(Continued From June 18, July 16, August 6 and August 21, 2015)

1. S-06-2015

Property located at 855 Candia Road (Tax Map 478, Lot 8), an application to subdivide one lot of approximately 10.9 acres into two lots of approximately 1 and 9.9 acres, with a Dunkin' Donuts to remain on the smaller lot and a 105-unit, multifamily development to be constructed on the larger lot. *TFMoran, Inc. for Candia Realty, LLC*

SP-12-2015/PD-04-2015

Property located at Candia Road (Tax Map 478, Lot 8-1), a site plan and planned development application for a 105-unit, multifamily development comprised of three residential buildings and a clubhouse, with associated site improvements on the newly created lot of 9.9 acres. *TFMoran, Inc. for Candia Realty, LLC*

SP-13-2015

Property located at 855 Candia Road (Tax Map 478, Lot 8, an amendment to a previously approved site plan to modify the parking lot of a Dunkin' Donuts. *TFMoran, Inc. for Candia Realty, LLC*

John Cronin of Cronin, Bisson & Zalinsky appeared along with Bob Duval and Chris Rice of TFMoran, who did the project engineering on this plan; as well as the property owner, Gus Scrivanos.

Attorney Cronin advised that where they left off at the prior meetings was the focus on traffic. They had gone through building locations and most of the site specific issues and the general concern with the existing conditions out on Candia Road. There were various items of testimony. They heard traffic studies from Mr. Duval and Mr. Pernaw and there was a consensus that this particular road, like most urban roads in communities that were established way back in the 1800's is not ideal. It certainly has some issues but it has managed fairly well for its conditions and one of the surprising facts that came out was the traffic counts at this particular area have not changed at all since the Dunkin Donuts was established many years ago.

Attorney Cronin said the charge that this Board and the staff had given them at the outset was that they will have to come up with some remediation for Candia Road. Mr. Duval and Mr. Rice worked with Mr. Connors from the City and the appropriate representatives at the State to take a look at the options for remediation, what was available, what could be done, how it could be done and most importantly what it was going to cost and who was going to pay for it. After a lot of give and take, a lot of study and a lot of research a plan was developed to add a slip lane to East Industrial Drive, which seems to be a bottle neck that causes some of the slowdown and delay on Candia Road. There was also considerable give and take about a traffic light at the entrance to this particular development. Some commentators thought it was a good idea; others did not. Mr. Scrivanos stated that he would do whatever the pleasure of the Board was. He was willing to install and pay the cost to put that traffic signal in or if the Board didn't want

it he was willing to fund monies into an escrow to allow a situation to develop and at least the City would have the resources to use if they thought at some future date it was appropriate to put in a traffic light.

Attorney Cronin stated the bottom line of all of this is what these improvements do, even when you consider the traffic counts from the 105 units, is that the situation that is there today is improved. They have something less than an ideal situation that gets better. He didn't think there is any dispute to that. They believe that they have solved the remediation to the best of any private property owner's ability without the power of eminent domain to either widen that corridor, which they recognized the City or the State could if they so choose at some future date.

Mr. Rice of TFMoran said they pretty much presented all of the details for the subdivision, the site plan and the minor site amendments to the Dunkin Donuts parcel at the last hearing. He said they have received comments from numerous agencies; Water Works, Department of Public Works and Alteration of Terrain and they have addressed all the comments that they have received to date. He made one resubmittal to Alteration of Terrain to which he received two comments back from them, which they are currently addressing. They expect the Alteration of Terrain permit in the next couple of weeks and as soon as they get that they will provide a copy. The site comments they have taken care of was the sidewalk from the apartment units down to Candia Road, adding bike racks at all of the buildings as requested as well as a swing set playground area near the clubhouse for children. All of those items will be shown on the final plan that is submitted for signature.

Bob Duval of TFMoran advised that traffic was discussed at length during the prior hearings. In summary, Mr. Duval advised that traffic in this area really hasn't changed since about 2002 when the Dunkin Donuts at this site was first approved. The average daily traffic on Candia Road was 18,000 cars per day. It briefly went up over 20,000 in 2010. In 2013 it was back to 18,000 and at the 2015 count it is still 18,000. Therefore, traffic conditions are basically the same as they have been for 15 years or so in that corridor. Their traffic study showed that they are really not talking about much of change at all in regard to these apartments.

Mr. Duval said in all of the discussion and all of the concern that has been expressed by this Board and all of the work that they are doing to try and make conditions better out there are really existing conditions. The challenge that this project took on was to see how they could make existing conditions better at Candia Road because the actual impacts of this project are very small. The City started by asking them to put up a traffic signal to see if that could be done as part of this project and they agreed to do so. They proposed a signal and brought it before this Board. There was some lengthy discussion by this Board about the benefits of a signal. The Board hired its own reviewer that actually suggested putting in a signal as well as a five lane section on Candia Road. The applicant agreed to do this and this Board charged them to go back to the DOT to get approval of these changes. After their first review back in September the DOT said no to a signal because they were concerned that it would cause backups on the northbound ramp and they said no to the five lane section because they wanted to keep the

four foot shoulders that exist out there for bicycles on Candia Road. As such, there wasn't enough room short of taking a bunch of right-of-way to put in five lanes; it basically makes it impractical to put in a five lane section out there.

After getting that response from the DOT Mr. Duval said they looked up and down the corridor to see if there are other improvements that could be made to make this a better condition out there. They found that the real problem on this section of Candia Road is the backup caused by the heavy right turn movement into East Industrial Park. They said if they added a slip lane on East Industrial so that right turning traffic can actually make the corner at East Industrial and merge gradually into the southbound stream then essentially all of the queues that build up from East Industrial essentially all the way back to Elton Avenue disappear because that added capacity allows that movement to move freely, cars can make the right turn on the green light and they can also make it on the red light because now they have their own lane to move into. As such essentially that will be a free right. When they do that it has a substantial benefit to the corridor and, in fact, the queues associated with that move cut it more than in half. Before that improvement is made there are queues on the northbound lane of 1,300 feet or more and those are reduced to less than half to 600 feet. They have modeled this improvement in their traffic software and sent a response to the States initial letter proposing to make this improvement and to coordinate that whole set of signals and the DOT made their subsequent review including this improvement and sent a second letter, which states "Furthermore we concur that once the East Industrial Park Drive intersection improvements are in place the traffic signal proposed to be installed at the site driveway will not adversely impact traffic operations along Candia Road or the I-93 interchange and, therefore, the Department is not opposed to this installation." That was written by Nancy Mayville and copied to William Cass, SSM Commissioner; Michael Dugas, Head of Preliminary Design and Bob Bolanger, Head of Traffic Design so this got attention at the highest levels of DOT and they agreed with their conclusion that they are actually making conditions significantly better. Along with that improvement they are also doing the signalization improvement. They would do the five lanes if the right-of-way was available but unfortunately it is not. He reiterated that these are existing condition problems that are being solved at a substantial cost by this applicant and conditions as a result, even accounting for the small increment of traffic of this development on Candia Road, will be better once these improvements are in place than today's existing no build condition. Therefore, they are going beyond mitigating impacts; they are actually making an existing situation much better than it is today.

Mr. Duval advised that he has not seen a report from the Planning Board's consultant, Steve Pernaw, but it is his understanding that he has submitted a report that was essentially not opposed to a signal either. He spoke to Todd Connors at the City and it is his understanding that he sent a communication that basically Public Works is not opposed to this signal and is satisfied with their recommendations in regard to those conditions.

Mr. Duval believes they have had a very thorough review of these traffic improvements and the universal conclusion seems to be that this is a good thing for the corridor, a good thing for the

City, a good thing for the general public and more than effectively mitigates the traffic of this proposal.

Attorney Cronin reminded the Board that the selection of apartments on this site was not the applicant's doing. This particular parcel was rezoned to allow apartments as a matter of right. The Master Plan and some of the reasoning behind that was to provide a transition area between the Industrial Park and some of the west side residences. As such, there was some thought that went into this when they did the zoning review and amended the Zoning Ordinance to allow this particular use as a matter of right. Certainly the property owner would have a right to develop its property and he thought they could all agree that this will be a better use, a more palatable use than an industrial building.

Ms. Goucher provided Mr. Duval with a copy of the report prepared by Steve Pernaw, which staff had just received that day.

Chairman Harrington invited Mr. Pernaw to come forward to share his findings with the Board. Stephen Pernaw of Pernaw & Company advised that the last time he was before the Board he made three major suggestions. The first was not to install a signal at this location until the traffic signal warrants are met. The second was the suggestion to look into the concept of five lanes. The last suggestion was with five lanes you want to have protected left turn phasing, not permitted left turn phasing. When he received the revised package from staff he was quite frankly a little disappointed because the signal proposed is not warranted, the five lanes was not proposed, they proposed four and the phasing is permitted not protected. Digging into things a little bit further he learned that there are some valid reasons why those things didn't happen. With respect to the signal warrants; warrant #2, the four hour warrant is satisfied three out of the four hours that are required. As such, it is close but in his book "no cigar", but then he read the letter from DOT and the Department is okay with putting in the traffic signal based on the information they have and this is their road and their highway. He thought the Department's position provides this Board with justification to proceed.

Mr. Pernaw said the analysis is correctly based on future traffic projections for the study area and they did not factor up traffic in and out of Dunkin Donuts, which is actually the correct way to do things in the traffic engineering world. Having said that and having done many traffic studies for donut shops, he said he knows that the amount of customers a donut shop attracts is directly related to the volume of traffic going by. Therefore, with Mr. Duval's statement that traffic hasn't changed very much, Mr. Pernaw thought in terms of the future you have to plan on traffic starting to pick up again 1-2 percent per year. In short, he thinks the Dunkin Donuts business is going to generate more traffic in the future and would be sufficient to meet the warrant previously discussed.

Whereas the DOT is okay with a signal installation, Mr. Pernaw said that is not the panacea; that is not going to solve all of the problems. It will help vehicles exiting the shared driveway, particularly those that have to take a left out to head back to the interchange. Just that safety consideration alone is important and good but there is always the other side of the coin. When

you put a traffic light in the middle of this corridor they are now going to create stoppages or vehicle queues that don't currently happen today. That is going to have an adverse effect on other driveways such as Wendy's exit driveway.

Mr. Pernaw cautioned the Board on setting a precedent that when you start allowing signals to go in when they are strictly not warranted, they are possibly opening Pandora's box. He thought what makes this project unique is the fact that they have a letter from the DOT specifically addressing this one particular case and they said okay. The current proposal is for four lanes and that is because the DOT didn't like the idea of narrowing up the shoulders so again it is their road and they invested the money and he can understand where they came from. Because it can only be four lanes, that is why the phasing has to be permitted.

In referencing the Schematic Signalization Plan, Mr. Pernaw was glad to see that the raised median has been added to the shared driveway. That was an important recommendation. He said there is a crosswalk going across Candia Road and a comment in their memo was to extend the sidewalk down there. He believed he heard tonight that was being done. He said they may also probably want to have a sidewalk parallel to Candia Road in front of the fast food restaurant. They also made some comments about signal head placement but that is a detail they didn't need to spend a lot of time on.

There was some discussion in the past about turn lanes and how a right turn lane was warranted for right turns onto the shared driveway as well as a left turn lane. Mr. Pernaw said the criteria they looked at in their review was based on unsignalized intersections. Now that this intersection is going to be signalized, that criteria goes out the window and in reviewing the capacity analysis in the revised report, what is being purposed here has ample capacity. He said he is no longer hung up on the lack of a right turn lane into the shared driveway for that reason.

Mr. Pernaw said there has been some recent discussion about the phasing of the signal and whether or not they should have an exclusive pedestrian phase. This was some information that he was waiting for and he received a summary sheet this afternoon but unfortunately he didn't really have enough time to look at it. He thinks this is something where the City has to weigh the advantages and disadvantages. When you put in a pedestrian phase and a push button gets hit that means zero capacity on Candia Road for a certain number of seconds. He thought at issue might be how many actuations are there going to be in the future and obviously by putting in apartments there is going to be more pedestrians than you see out there today.

Mr. Pernaw stated that staff asked him to comment on the stacking on the shared driveway approach and how long the stacking would go back with a signal in this configuration. He said they went back to the information that the applicant provided and came up with an estimate of a maximum queue of seven vehicles in the year 2025 AM peak hour. Therefore, depending on how many feet per vehicle are used, that will bring it back toward that drive-thru exit lane.

They also had several comments on the redesign of East Industrial Park Drive. Mr. Pernaw said the whole idea is to have simultaneous right turns into East Industrial Park Drive while the left turn arrivals are occurring. There is a note on the plan about removing signal posts, mast arms and stop lines and they disagree with that. He said that would take away the exclusive pedestrian phase of that location. As such, to maintain that pedestrian phase that equipment should be relocated so that can be retained.

Mr. Pernaw advised that they made some recommendations about signage out there seeing how they are having this merge and then a lane drop.

It appeared to Mr. Pernaw that the analysis of that intersection at East Industrial Park Drive doesn't show the phasing that he thinks the DOT was expecting. Therefore, he thought that might be something that should be rerun, re-optimized and then sent to the DOT.

Concerning the information he received this afternoon that he hasn't really looked at in any great detail regarding the pedestrian phasing situation, Mr. Pernaw said it was mentioned where two different versions of software were used; one for with pedestrians and one without. His suggestion was that they all ought to be using one consistent version of the highway capacity manuals so they can compare apples to apples.

In looking at the DOT letter, Mr. Pernaw said they talk about the need for things to be resubmitted. They said they will need to submit final plans including detailed design of the signal including coordination for review and approval. Therefore, once the City makes its decision on should there be exclusive pedestrian phases or not, that can be incorporated in the plans that go back to the DOT.

Chairman Harrington thanked Mr. Pernaw for his work on this.

Alderman Levasseur asked if there are donut shops or fast food restaurants that he has worked with that literally front a property with 100 units behind it where they would be sharing a driveway and then dumping out into basically the front of a very busy store. He was wondering if there were any examples that he could look at. Mr. Pernaw said going back decades they did a study for a Dunkin Donuts in the town of Merrimack where they had a residential street coming right behind it. He said he would view this as no different than this donut shop on a corner lot of any City USA where there are other developments whether it be residential or not, he looks at the shared driveway as being similar to a public street. If the donut shop wasn't there Alderman Levasseur asked if this wouldn't seem to have as much of an impact or vice versa. Mr. Pernaw said if the donut shop wasn't there they would not even come close to meeting the signal warrants.

If they wanted to take a left turn from the shared driveway and go down toward Mammoth Road Alderman Levasseur asked how they would get out of there. He asked if there is going to be a light. Mr. Pernaw said they are proposing a full traffic signal system, which DOT is now okay with. Chairman Harrington said that was new information for everyone tonight.

To Alderman Levasseur's point, Ms. Goucher said DOT is okay with it based on the changes to East Industrial Park Drive. They weren't okay with it when it was originally proposed, but their feeling is that if there are improvements to allow free flow onto East Industrial Park Drive then they are supportive of the light. That wasn't proposed last summer when it was initially before this Board. Mr. Roy said the letter he has states that the Department is not opposed to its installation but it certainly doesn't say that they are in favor of it. He didn't know if that was a "hearty thumbs up or not".

With respect to the turn lanes, Mr. Roy asked with all of these warrants and stuff, are they actually focused on safety. Mr. Pernaw said they are focused on traffic operations and safety.

In the study that Mr. Duval did and the one that Mr. Pernaw talked about earlier, Mr. Roy said it talked about the 2025 AM build scenario and the dedicated turn lanes. As you are coming west it would be a left into the Dunkin Donuts and if you were coming east it would be a left into Wendy's. It says that both warrants are met, which means in a perfect world you would widen the road and have those turn lanes, which would be the way to handle it instead of a light. Mr. Pernaw said that analysis is based on no light. Based on those turning movement volumes, both are met.

Mr. Roy asked Mr. Pernaw if he said if light goes in there that concern goes away. Mr. Pernaw said the concern doesn't go away but that analysis procedure does not apply. Looking ahead to 2025, Mr. Roy said he is concerned that the safety isn't going to be protected. He asked if his concern is valid or not now that the light goes in. Mr. Pernaw said he doesn't need to worry about it in the year 2025 with the light being there.

Mr. Boissonneault asked if he understood correctly that the light under this scenario is not warranted. Mr. Pernaw said that was basically correct, but it is close. Mr. Boissonneault asked if the five lanes would work. Mr. Pernaw said the five lanes won't work because there is not enough pavement width because the State wouldn't allow it. Mr. Pernaw said they suggested one foot shoulders and five 11 foot lanes and they said "no thank you".

Mr. Boissonneault asked how far away they are from that light being warranted. Mr. Pernaw said it is three out of four hours and he believed the statistic was that if they had eight more cars coming out during the one hour that is shy, they would satisfy it. Mr. Pernaw said one of the other hours that is satisfied is exactly 80 left turns and that is what the warrant is. Therefore, it is not like they are way over on three hours and just a little short on one; they are close on all of the four.

If you are heading east on Candia Road and taking a right to go to Dunkin Donuts, Alderman Levasseur said you basically have to slow down to get into that lane. If they took the lane and went all the way down and made the driveway go around the back of the building and you came out instead of where you were going in, he asked if that would create more room for them. He was concerned about the fact that there is a driver coming off that road and slowing down and then the other driver wants to get to his apartment. He said he has driven there and

it is kind of like a stop. He said the drive-thrus are pretty tricky if you are not familiar with that. You kind of have to pull in and go around the building. He thought it would be safer if you went the longer length and you go to the other end of the building and came around the other way because the cars would keep processing and moving forward and going in a quicker direction. He asked for somebody to convince him that this is a smart way to get things done.

Mr. Pernaw bluntly said it is not his job tonight to convince him that access to Dunkin Donuts is safe or not. He said you would want the right turn into the shared driveway, whether going to the apartments, the drive-thru or as a sit down customer, to be at a slow speed. With a signal half of the time they are going to be stopped and going around nice and slow. He said you don't want to design this for any kind of a high speed or having double lanes. The Alderman said he was worried about the backup of it. From the road to that driveway to get into the Dunkin Donuts seemed like a very small gap to him. He didn't know if the light makes it safer or not. Mr. Pernaw said the light will make it safer because it is stopping vehicles and then when the light turns green that turn is going to be slower than it is today but then again when the east-west phase is green and running then it is going to be similar to what is happening today.

Alderman Levasseur asked if they made an additional lane to just get into that lane to go to the right. Mr. Pernaw said they could require it, but it was not proposed tonight. The Alderman asked if that would make it safer. Mr. Pernaw said adding that right turn lane would add capacity to the intersection because you would be taking a high volume of right turns out of the through lane. He said 143 right turns is what their projection is so if that can be moved out of the through lane that helps the capacity of the intersection.

Alderman Levasseur asked how many vehicles could fit between that new light and the exit coming off the highway. Mr. Pernaw said that would have to be addressed by TFMoran.

Mr. O'Brien said the DOT is obviously in charge of managing transportation, but the agency is essentially made up of people. He asked if it is possible that the person who wrote that letter may have made a mistake in approving the light. Mr. Pernaw said the Department received a copy of their original memorandum, which pointed out the fact that it doesn't meet warrants so it is not like they didn't know. He said he is not privy how that letter came to be but actually they say it right on the bottom that the "signal is nearly warranted" so there is proof that they know it is not meeting all four hours. As such, he doesn't think it was a mistake.

As she understands it, Ms. Goucher said the report didn't include the pedestrian crosswalks in terms of what that did to the stacking and that is something that Mr. Pernaw touched on tonight. She asked if it was possible that the State DOT would not be okay if there was a pedestrian crosswalk signal. She asked the question because that was one of the Highway Department's concerns - they want a pedestrian crosswalk shown here. She asked if there is some additional information, what does that do to the capacity. Mr. Pernaw said "that's certainly a possibility". They could look at the results of the analysis and say they are "giving up too much capacity because of this pedestrian phase" and they could say that they don't

support it. Then again, he said they could probably assume that this is not like downtown Elm Street with hundreds of people crossing and that it is okay. He said it could go either way and he would never want to guess what the DOT comes up with.

Ms. Goucher said Mr. Pernaw indicated the stacking peak hour backup of the left turn cars would bring them to an area between the second and third driveway of the dunkin donuts. She asked if there was any possibility that during the peak hour, when the traffic backs up to that point, would there be any problem with the drive-thru people exiting or if that would only be such on rare occasions. She said obviously the applicant doesn't want that to happen so she was just trying to get a feel for when he was talking about the stacking between the second and third lanes. Mr. Pernaw said he mentioned seven vehicles and if they were all passenger cars it wouldn't extend back to that exit point from the drive-thru. If it was a mixture of cars and trucks, then the queue is just about back to the exit of the drive-thru. Having said that, if that driveway does get blocked, that is at the very end of the queue so it won't be blocked for a long duration because at some point, the light turns green and it flushes out. The worst case is that you pick up your order from the pickup window and you pull forward and you can't leave right off the bat and you will be delayed while that queue clears. He doesn't see that as a problem affecting a City street.

Ms. Goucher said there are some intersections in the City where the Highway Department likes to put "Do Not Block" at an intersection. She recognizes that this is a private drive that they are talking about, but the stacking certainly at peak hour extends past the parking field in front of Dunkin Donuts so the people that are taking a left out of that to go back onto Candia Road will be faced with a line that has gone past that. She asked if he thought that was a reasonable place to also put one of those "Do Not Block" markings even though it is on a private drive so to speak. Mr. Pernaw said if they put it in and it is observed they are going to make the back of the queue even further back because they will be leaving this hole in the line. Secondly, it is a great sign, it is in the manual on uniform traffic control devices and it is not always adhered to. He said the effectiveness of that sign is marginal. It doesn't hurt to put the sign in, it just alerts approaching vehicles to do that, but it is not going to solve anything but he doesn't think it is going to hurt anything.

Mr. Roy asked if the only way for individuals coming out of the apartments to stop at Dunkin Donuts will be to go into the parking lot. Mr. Pernaw said it would be the second driveway. Mr. Roy guessed that a lot of those people will want to go through the drive-thru so they would continue through the parking field then try to blend into the queueing that is at the drive-thru. When he was there at 8:30 this morning, that queueing was stacked up three down Candia Road. His issue when he saw that is if they have these people trying to access that drive-thru what the stacking is going to be in that parking field and how that will affect the rest of the double entrance. That is a concern of his because he thinks it could essentially shut down that parking lot. Mr. Pernaw said just looking at the trip generation estimate, they are expecting 44 vehicles to be leaving the apartment complex during the morning peak hour, which is about a car a minute. A general rule of thumb that he uses is a Dunkin Donuts will attract 10 percent of the cars going by so that is four cars in an hour that might come from the

apartments, which is one every 15 minutes. He understood Mr. Roy's concern and it certainly could happen. Mr. Roy asked with that rule of thumb that he usually uses if that wouldn't be a huge issue. Mr. Pernaw said he didn't see it and if things are that congested he would go elsewhere.

Chairman Harrington requested that the applicant come forward. He advised that they are welcome to comment on the additional information that was presented this evening.

Mr. Duval said he really didn't hear anything that he had any particular issues with. There were some technical comments about the phasing of the East Industrial Park Drive intersection such as signal placement, etc. that they can certainly address and intend to address in a final plan. What they would be asking this Board to do is to really just approve the concept and then of course they would do final plans and at the end of the day there would be no permits issued obviously until the final plans with all the signal locations and the exact timing sequence and so forth would be approved by the City and the DOT since they did ask for that approval. If this Board were to approve this concept they need not waste any time being concerned that the State or the City will not be happy with the result because they didn't necessarily have to be before the signal actually goes in or a building permit is issued.

In regard to the stacking issues, Mr. Duval said when they talk about queue they typically talk about the 95th percentile queue, which means the queue that is only exceeded 5% or less of the time. He said they have to remember that when a traffic study does its peak hour analysis it is talking about the peak hour and as a further matter of conservatism the way that it is actually done is you take the peak 15 minutes within that peak hour and you multiply that by 4 so you are really already taking more traffic than the peak hour because you are concentrating on the peak 15 minutes in that hour, which is usually higher so that is conservative. Then the peak hour, of course, is one hour out of the day and in the case of a coffee shop obviously the only hour that really counts is the morning peak, so it is one hour out of 24 and then within that hour you are only talking 5% of the time and that is the queue that they are talking about. As such 5% of that peak hour that queue would be measured so what you're really saying when you are looking at that is what is the worst case and the worst case is you wouldn't quite block the drive-thru. Another way of saying that is 95% of the time during the peak hour and all the rest of the hours of the day it won't even come back that far. That is also the same criteria by which they measure queues on the roads themselves.

In regard for the need for turn lanes, Mr. Duval thought Mr. Pernaw correctly put it that with a signal these concerns really go away and that the need and warrants for a right turn lane is really a matter for an unsignalized intersection. With respect to the concerns expressed by Alderman Levasseur, Mr. Duval said they have to remember that in the no build condition the queues to eastbound Candia Road traffic are much worse. The queues are thousands of feet long. Those thousand foot queues collapse almost entirely such that there is very few, just a couple hundred feet queues in the worst case at these lights. As such, the actual delays to any motorist on that road will be much less with or without a right turn lane due to the fact that they are making this East Industrial improvement and the signalization of course allows Dunkin

exiting traffic a much safer access out. That is also true for the safety effect of these turn lanes. The safety effect of putting in the signal is substantial in terms of the safe operation of that intersection.

Mr. Duval agreed with Mr. Pernaw in that even if they don't meet the warrants today it is likely to be met in the future.

Mr. Duval pointed out that the DOT, who has the power of eminent domain, recently spent millions of dollars on that corridor and made improvements. They had every opportunity to put in right turn lanes for this Dunkin Donuts or the convenience store on the other, which is an existing condition, but chose not to.

In regards to a pedestrian phase, Mr. Duval said in the abstract pedestrians do delay traffic. He said he would never think that is an argument against putting in pedestrian phases because the other side of that is they provide greater safety for pedestrians. In this particular location he said they did two counts, one in November 2014 and another in 2015 and the number of pedestrians that were counted in the peak hour was one. At East Industrial Park Drive they counted three. He guessed that one of them was probably the same guy and the other two were crossing Candia Road. The one that crossed was actually crossing the driveway of this location. He doesn't think that the construction of 105 units is all of a sudden going to create a marching army of pedestrians that are going to want to cross at 7:30-8:30 in the morning at this location. There is really nowhere to go as Wendy's isn't open and it is probably more convenient to get in your car and drive to the convenience store and go on with your business than to walk to it.

When they do the analysis of course for that particular cycle there is a big impact on traffic. If that one pedestrian pushes that push button once in the morning it is going to cause some dislocation but then the intersection quickly recovers, especially in a coordinated intersection because what happens is that intersection drops out of coordination then over the next couple of cycles it picks back up into coordination and everything moves just as it did before. Two things could happen; they could continue to have one pedestrian in the peak hour from now until 2025 and beyond in which case over the course of the hour itself there is very little change or there could be maybe a lot of pedestrians because additional uses and additional pedestrian attractions are constructed elsewhere on Candia Road and then he would simply say then it is a good thing that they have the pedestrian signal because they are providing for that safety. He thought in either event they don't have to worry about pedestrians because they counted one and he doesn't expect that there is going to be much more activity as a result of these apartments, especially in the morning peak hour. If there is for some reason in the PM peak hour or in the future greater pedestrians then it is a good thing that they have the pedestrian facilities to make sure they have safe crossing. They have just as much right to use the roadways as cars do and as a matter of fact the City staff has gone to great efforts to make sure that this is a walkable City.

Assuming a signal does get approved and goes in there, Chairman Harrington confirmed that they would also be synchronizing that signal with the other signals that are along East Industrial Park Drive. Mr. Duval said the sequence calls for all four to be synchronized.

Chairman Harrington said that the synchronization can vary from peak traffic times to non-peak traffic times. Mr. Duval said that was correct. There are usually at least three modes; morning peak, afternoon peak and then the rest of the time and each of those is a different sequence.

Alderman Levasseur asked why they need to do the improvement to the East Industrial portion of the road if they put a light in. Mr. Duval said the actual condition at East Industrial now is the queue from that backs all the way to Elton Avenue now, which is beyond Dunkin Donuts. He said they showed that it wasn't the signal at Dunkin Donuts that causes this problem, it is the existing conditions. Right now there is a red light there and when the left turns come off of Candia Road westbound to get into East Industrial the right turns have to stop. That stops instantly, because there is so much volume there that telegraphs all the way back to I-93 almost instantly, which is why there are 1,000-1,500 foot queues. When they widen that piece so there are two lanes going around the corner; one coming left and one coming right so that those two cars can start going almost like an acceleration ramp on an interstate, those cars can blend together and those right turning cars don't have to stop anymore.

Alderman Levasseur asked about the cost of the light and the improvements going over to East Industrial Drive. Mr. Duval said the cost for a typical signalization at an intersection like this is around \$150,000. They haven't done any detailed engineering so that is just a ballpark. As far as the 500 feet or so that they have to improve and widen along East Industrial they are estimating that to be approximately \$100,000 so the total of those two improvements is \$250,000 more or less.

Attorney Cronin said the standard of that is that they are supposed to pay their share based on the additional traffic compared to the existing traffic so it would be a proportional amount. In looking at the ratio between new cars generated by this development and the existing traffic, that is in the single digits but the applicant here has agreed to pay the full amount, which is a benefit to the City and that shouldn't be lost in the conversation.

With respect to the slip lane going into East Industrial Drive, Mr. Guerra asked if the property exists for that already. Mr. Duval said there is enough room to put that second lane around the corner. Mr. Guerra asked if it would still leave the shoulder that the State is looking for and Mr. Duval said it did.

Mr. Roy confirmed with Mr. Rice that they are going to extend the sidewalk all the way down to Candia Road. Mr. Roy said he appreciated that.

Mr. Roy said he was looking to Mr. Duval for the effect that the light stopping the traffic is going to have. Mr. Duval said that information is located in the Level of Service Queueing

Table. He advised Mr. Roy to look at page 17, which would be the future year. In looking at queueing along Candia Road, Mr. Duval said in the no build case because there are no sidewalks or a signal it reports the queue as negligible. That is not really true because it doesn't take into account queueing caused by East Industrial Drive. It is a limitation of the software. Once you put the signal in, which is 2025 build mitigation, the queueing on the eastbound left is 152 feet and the westbound left is 40 feet.

Mr. Roy asked about the parking area and the only ability the people from the apartments have to get into Dunkin Donuts. He asked how it is all going to work out with the parking area being smaller and the loss of spaces. Mr. Duval said the analysis that Mr. Pernaw did off the top of his head was the same analysis they did when they looked at that situation. Using the rough rule of thumb about 10 percent of traffic passing by is going to use the Dunkin Donuts, that would mean there are maybe four or five vehicles in the peak hour, which is about one every 15 minutes or so that would make that turn. They have the choice to take a vacant parking space if there is one or if there isn't they can actually go through the queue lane and just get out of there because there is a bypass lane that goes all the way around the top of the site. If the queue is short enough they can slip into the queue. He pointed out that sometimes they design Dunkin Donuts this way. Mr. Scrivanos has several other locations where you can come into the drive-thru lane from two locations; one from the parking field and one from some remote entrance and people just work it out. The Dunkin Donuts on South Willow Street is like that.

Mr. Roy asked if the four foot shoulders are actually the bike path that the State put in and Mr. Duval said that was correct. He said there aren't any decals denoting it as a bicycle lane because you actually have to have five feet to do that but those bike lanes are there.

Mr. Roy said it was mentioned that in the morning there are trucks that go to Dunkin Donuts that don't pull into the parking lot and just pull a "U-turn" and park in the grass, which is going to impinge on those two lanes coming out. He asked what the plan is to keep them from doing that. Mr. Duval said that entire roadway is going to be spruced up. Right now it is just sort of a wide pavement area then a gravel area and then some grass beyond that. As a result there is no reason to stop someone like that from parking on that location. When this roadway is constructed for these apartments that is going to be curbed with a sidewalk and there is not going to be any room or ability for anyone, truck or otherwise, to park on that area.

Mr. Roy believed there had to be a lot of ledge back in there. He asked if there is going to be any blasting. Mr. Duval said there is a substantial amount of ledge in that whole area. Mr. Roy asked about how much product they are going to be pulling out of there. Mr. Duval said a detailed site estimate has been done but he did not have that information with him and he said he would get that information for the Board. When they worked on the design of the site they raised the building pads as much as possible to minimize blasting. It is actually a net import site for that reason. The blasting that will be created on site will be reprocessed to make gravels on site minimizing truck traffic.

Mr. Roy noticed that the information they were provided for the slip lane up on East Industrial Park Drive says it is conceptual. He asked if there was any reason why the Board didn't have something that is more than conceptual. He explained that he has a hard time voting on something that is conceptual. Mr. Duval said this project is not approved and there is no point in doing the detailed engineering and surveying that is required to advance this to that point. He said the conceptual plan was done to sufficient detail that they are comfortable that it can be built more or less as shown in that plan. There is enough room to construct those improvements. This is not unusual. He believed even the Walmart plan showed conceptual improvements at some 17 intersections with about this level of detail. Mr. Roy said there are also a lot of people who come in that, even though it hasn't been approved yet, they have it done "soup to nuts" and they can look at something that is hard.

With respect to Attorney Cronin's comments about it being "a matter of right", Mr. Roy said he understood that because they went to the Zoning Board. He stated that the citizens have some rights too and that is this Board. He explained when people come to this Board they are the ones who represent the citizens and they are the ones that make sure that the safety concerns are taken care of. They are the ones who make sure this is developed in the manner that the citizens want it to be developed in so that Manchester is a nice place. Attorney Cronin respectfully disagreed on some points of that. He said certainly the citizens have rights and this Board has a duty to see that the Ordinance and the regulations are followed. The applicant has rights as well and the Attorney advised that Mr. Roy's point was noted.

Mr. McCue asked if this is approved, will it be a phased type of project or if they will do the whole thing at once. Mr. Duval said the intent is to do all the work at once and he would expect that one of the conditions of this Board would be that the offsite improvements be in place before the apartments are open. That is not unusual. He believed the actual way it will work is that one building will probably be finished first so that there can be some occupancy and some cash flow while the others are being finished.

Mr. McCue asked about the buffering area on the west side. He also asked about blasting and dust mitigation. With respect to the buffer area Mr. Duval said this site is unusual in that there is a 50 foot strip, which will be entirely maintained. They talked early on about purchasing that strip and making it part of the lot but at the end of the day there were some restrictions on the Deed by which it was conveyed to the City and it just got too complicated. The City still owns that buffer and they are not going to touch it. They are staying within their own setbacks. Mr. McCue asked if there will be any type of security or fencing on that side. Mr. Duval said there is no fencing but there is a substantial strip of landscaping that stays in place on that side.

With respect to blasting, Mr. Duval said it is very tightly controlled by the State and the City and all of the State and City requirements for blasting are noted on their plan and they need to be followed including pre-blast surveys, seismograph monitoring during blasting, advance notice to emergency departments, testing of soil, groundwater, etc. All of those requirements are stipulated by law and have to be followed. Mr. McCue said he expected no less but he

wanted to make sure that the abutters were aware that they are working under those guidelines.

Alderman Levasseur asked what the impact fee will be on this. Ms. Goucher advised that the school impact fee will be \$1,169 per unit and they are in the area that is subject to the fire impact fee, which would be \$146 per unit. Attorney Cronin advised that in an earlier meeting they had an expert speak and they presented an older impact study. He said there are going to be one and two bedroom units and the current trend is that these are not really school generators. They are aimed at a young professional type market or people downsizing.

Alderman Levasseur asked if they had anything to do with when the Dunkin Donuts was originally put in. He asked if there was an abutter issue back then or if it is now just because of all the apartments. Attorney Cronin advised that he was not involved in that approval so he could not speak to that. He thought the 50 foot buffer between the property and Elton is good. He asked Mr. Duval to provide the Board with an overlay picture of the traffic lights in place so they could see where the lights are going to and then with the new carve out going to the right. Mr. Duval said he would do that.

Alderman Levasseur asked what the assessed value is going to be. Attorney Cronin said if you take an average of apartment units he thought the assessment equalized is approximately \$70,000 per unit. If you call it \$100,000 you are at about \$7,000,000. At \$22 per 1,000 that gives you about \$140,000 per year. Mr. Roy said it is currently assessed at \$867,000 for all 11 acres and they are paying about \$20 per year. Attorney Cronin said the \$140,000 will be in addition because most of the bulk of that assessment is driven by the Dunkin Donuts not the excess land so that is a plus. Mr. Roy said it absolutely is.

Chairman Harrington turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward and the Chairman invited those opposed to this application to come forward.

Ben Adams of 21 Waverly Street appeared along with his wife Sharon. He was concerned with safety and traffic in the surrounding neighborhoods. To get to the hearing he and his wife had to take a right turn onto East Industrial because you cannot turn left at peak hours exiting Elton Avenue. He explained how vehicles travel through the adjacent neighborhoods to avoid the intersection. He said his issue is not with building the apartments there. His issue is how traffic is going to be mitigated. He said most of the houses in that area are directly on the street so this is going to affect the safety and egress for all of those homes. He is afraid of what this will do to the property values.

Jon Dipietro of 115 Pahray Lane, which is off Cohas Avenue, said he has three concerns with these apartments; one being with traffic, which has been discussed at length. In terms of the traffic patterns and the numbers that have been identified going back 15 years, he said he has lived there for 15 years and worked on East Industrial Park Drive back in the 1990's and he sees a lot of vacant parking spaces on East Industrial Park Drive right now so he thinks there is a lot

of spare capacity there. With regard to the peak that occurred back in 2008, that just happened to coincide with one of the worst recessions that we've ever had in this Country and the economy hasn't really picked up since then so if we ever do get to a point where the economy picks up and that area starts booming again, he thinks they can expect to see a reasonable pick up in the amount of traffic.

Another concern of his is with the impact on the school system. He is concerned at the way that it was just sort of brushed aside because these are one and two bedroom apartments. He thinks they have to assume that young professionals have children and there are going to be some school age children in that apartment complex. He said there are overcrowding issues, teacher issues, etc. in the schools so he has great concern over the impact that this apartment complex will have on the school system. He was concerned with the lack of detail that he heard so far regarding what the impact will be to the school system.

Mr. Dipietro said every time he turns around he hears about another apartment complex or multi-family coming in. He did some detailed demographic analyses and he does not like the picture that he sees here for the City. He thinks when they keep adding these apartments they are further degrading the tax base and further exacerbating the problems with the school system and they are doing a disservice to the City. He has a problem with what he has seen over the last 5-10 years. It has been great for the real estate developers. He doesn't know that it is great for the citizens of Manchester.

Barbara Collins of 99 Waverly Street was concerned was concerned about adding further traffic into an already congested area. She thinks putting a light there is going to back everything up to where her home is and it will not help them at all.

There were no further comments from the public.

Chairman Harrington advised that staff has received numerous correspondences from either neighbors or concerned citizens regarding the development and they are all basically in opposition to the project. Those individuals are identified below:

- Mr. & Mrs. George Munson
- Margaret Tosse
- Elma Gelinis
- Melanie Wallace
- Meghan McDevitt
- Jay Taylor
- Susan Knowles
- Paul Lessard
- Donald & Diane Chase

Those letters will be made part of the record and should anyone wish to review them, they will be available at the Planning & Community Development Department.

Attorney Cronin advised that the Board should have a letter dated February 1st from Michael Skelton, President & CEO of the Manchester Chamber of Commerce that talks about a study that his organization did this past fall. It talked about housing needs to fuel growth in the City and the jobs they are looking to bring in and he spoke favorably on this particular project.

Ms. Goucher advised that staff got that letter from the Chamber and she actually had copies to distribute under "other business items" to the Board tonight. She didn't bring it up specifically in conjunction with this project because the subject matter is more general.

With regard to the gentleman who spoke about the schools, Attorney Cronin advised that Russ Thibeault came and spoke before the Board about school trends, peak and population, down growth and he didn't see that it was an impact. He had a pretty voluminous report, which he will not repeat here.

Attorney Cronin noted that there were a lot of people from Madison Way that filed some letters and he wanted it noted that is not an abutting property. He thought it was about a mile away from this particular site.

Mr. Roy said some of the correspondence received talked about the number of accidents in the area. He asked if they could address how these mitigation measures would affect accidents, whether it be a positive or a negative. Mr. Duval said in their report they did a detailed study of accidents. He brought the stack of records obtained from the Police Department for that section of Candia Road. Mr. Roy said he had data too and he came up with 179 accidents plus another 25 and it worked out to about 2 accidents per month. Mr. Duval said they went through and actually got redacted police reports, which are more helpful than just the statistics because you can see whether it is related to just somebody running off the road at 3:00 in the morning or a two car collision. They determined that there were 14 accidents over a three year period that were actually related to the intersection, not in a parking lot or not in the straightaways between the intersections. In doing the math that almost exactly matches the expected number for the traffic. That tells them that it is an average number of accidents for the traffic at that particular location, which is a good thing. A more significant point is that signalization is one of the most significant recognized safety improvements that you can do to a location. An aggregate study that was done by the Transportation Research Board a few years back showed that there is about a 67% decrease in the number of accidents when you signalize an unsignalized location. There is actually an increase of about 38% in rear-end collisions associated with a signal; any signal not just this one. The overall increase in accidents is a 23% increase but more importantly that 67% decrease in right angle accidents is the most significant effective signaling an intersection and right angle "T-Bone" accidents are the ones that typically have the most likelihood of bodily injury. Therefore, a signal reduces the number of serious bodily injury accident. Mr. Roy thanked Mr. Duval for that information.

Mr. Roy asked about the easement documents. Attorney Cronin advised that they have not drafted those as of yet.

With regard to Mr. Adams' concerns and the circumvention of traffic flow off of East Industrial Park Drive, Chairman Harrington asked if they had looked at Elton Avenue to see if there are people taking a securitas route to Holt Avenue through their neighborhood and what the impact to that will be by putting in a traffic light. Mr. Duval said they recognize that happens and explained that their traffic counts are of course just counting volumes going into Elton Avenue. They don't know how many people have legitimate business there or how many people are taking a short cut to Holt Avenue. It is not a tremendous number. The Chairman said maybe because he doesn't live there. Mr. Duval said he did not mean to demean that concern and, in fact, he thought one of the benefits of this whole proposal is that it is an existing condition that happens and the reason that happens is the frustration of that 1,000 foot long queue that comes back from East Industrial now. Mr. Duval believes they are going to have a substantial impact on the ability for people leaving the highway or coming up Candia Road to get into East Industrial much more easily and without standing in such long queues. As a result, there will be much less inducement for people to make that right turn onto Elton Avenue and Waverly and get back to Holt Avenue that way. Therefore, he thinks that relief is on the way actually by putting this in and making these two improvements. The signal will create some minor queueing but the overall increase in capacity of that intersection is substantial. The increase in queueing at the new Candia Road signal would be in the worst case about 500 feet so approximately back to Elton Avenue but that delay is much less in that as soon as you get through that signal there is no delay, essentially a 23 foot queue coming in to East Industrial. Therefore, whereas the queue from East Industrial now backs up around the corner and onto the ramp in some cases, and actually in some cases 1,000 feet up the ramp, now the queue at East Industrial is only 23 feet. There will be 30 seconds or so when there will be a backup due to the Candia Road signal but that is going to quickly clear and that whole corridor will progress smoothly at levels of service B and C. Therefore, they are taking a situation which is an F++ and turning it into a B and C level of service so there will be much less inducement to go all the way around the mulberry bush to get to East Industrial when you can just go straight down that corridor much more easily.

Chairman Harrington confirmed with Mr. Duval that the quickest way possible once these improvements get made will be to stay on Candia Road and take the right into East Industrial Drive. Mr. Duval explained that they are removing the bottleneck that is causing the problem now.

Mr. LeClerc asked where children living in the apartment complex would get the school bus. Ms. Goucher said buses will not typically go onto a private road. Mr. Duval expected there would be a bus stop at the corner of Dunkin Donuts that would pick up any school children. Mr. LeClerc asked where kids would congregate safely in that busy area to get the bus and then when the red lights go on obviously that is going to mess things up even worse than they might be.

Chairman Harrington asked if they had accounted for a congregating area for school children at the base for a bus stop. Attorney Cronin said he would take a look into it but he didn't think there was bus service provided with the proximity to the elementary school. He knows there is a distance element if you live within a certain distance of a school. Ms. Goucher asked if they will be walking. Attorney Cronin said he didn't know what that distance is, but it is very close. He will look into that and submit a letter to staff with his findings. Mr. Duval ventured to say that there may be school age children and even if there were some that would be taking a bus, there are sidewalks all along that frontage and they will be adding a sidewalk down to the corner. He doesn't think they are talking about dozens of school children for the number and type of apartments that are being provided there. He is sure there is adequate place for that, but after they find out the number they can make the appropriate adjustment to create a little pad there if it looks like it is warranted.

Chairman Harrington said they can't restrict families from being there so they have to make some sort of calculation as if they will be occupied. He said he can't say there will only be a few or one or two because they really don't know. Mr. Duval agreed and once they check what Russ Thibeault's projections were and see what type of facility would be warranted by the expected number that would be there.

Chairman Harrington advised that there are still a number of open items that need to be addressed. He said conceptually there may not be issues with this and the applicant has the right to build what they can build but there are a number of open issues; both relating to traffic and to safety and those need to be addressed. The public hearing will be continued until March 3, 2016 at which time the applicant can address those items. The public will also have a chance to speak at that hearing. No further notice is to be provided.

Since this process has been long and with the approach of another construction season and the fact that the requested information is fairly minimal in nature, Mr. Duval asked if the information could be provided to wrap this up at the business meeting in two weeks rather than the next public hearing. If there was any way they could do that, Mr. Duval said it would be of substantial benefit. He said the time taken has really been in dealing and working out this traffic issue with the DOT, which took several months.

Mr. Roy said he didn't mind making exceptions but when the exception becomes the rule and that seems to him what it has been lately. He said every business meeting they have had lately they have had some type of public hearing because everybody says they are in a rush and they have to have it done right away. He respectfully disagreed with Mr. Duval and said he believed March was plenty early enough to catch the next building season. He agreed that this has been in front of the Board since August but it certainly was not the Board's fault that it was delayed. He explained that it was delayed because the State was not approached until a late date. It was his opinion that they should wait until March 3rd.

Chairman Harrington advised Mr. Duval that he respected his request and advised that the Board likes to be as accommodative as they possibly can and they understand what is going on

with the construction season and so forth. However, even though it has been a long contracted process for the applicant, the Chairman said they could take the time until the next hearing to actually “cross all the T’s and dot all I’s” and get the Board the plans that they want. He said he wouldn’t want the applicant to come back before the Board in two weeks and still have open items that weren’t being addressed by the public or by the Board and then have to do it again. As such, he preferred that the Board be a little bit less accommodative this time so it gives the applicant the time to do the work necessary in order to get that taken care of, which also includes easements. As such, he respectfully disagreed with Mr. Duval and advised that they would hold it open until the next public hearing. Mr. Duval thanked the Chairman for entertaining the request.

Chairman Harrington advised that the Board was going to take a short recess.

The Board members returned and Chairman Harrington called back to order the Manchester Planning Board public hearing of February 4, 2016.

(Current Items)

2. S-22-2015

Property located at 655 South Willow Street (Tax Map 437, Lot 2), an application to subdivide one parcel of approximately 665,899 SF into two parcels of approximately 648,199 SF and 17,700 SF within the B-2 Zone. CLD Consulting Engineers for 655 South Willow, LLC.

Dick Anagnost advised that this is a property that is being joint ventured between Brady Sullivan and Anagnost Companies. They appeared before the Board of Mayor and Aldermen and went through the process to rezone it from Industrial to B-2. They have been before the Zoning Board to acquire the variances necessary in order to make this subdivision tonight.

Ken Rhodes of CLD Consulting Engineers advised that the application before the Board is what Mr. Anagnost has requested and applied for as a first step to the redevelopment of the major building on this particular property. The subdivision plot that Greg Brown prepared focuses on the 17 acre parcel and the idea is to carve out a small 100 foot parcel (17,700 SF). The area is very specific that surrounds and parcels out into what is referred to as the restricted area on the former Osram Sylvania property. That area is, by note #6, a hazardous waste area that has remained on site as a legacy and Mr. Anagnost’s business sense is that if it is put on a separate parcel and leased back to the main development parcel he can interest tenants in this particular facility. As such, they have created the exhibit for a minor subdivision review and approval for the Board. They have visited and received from the Zoning Board of Adjustment three or four technical variances related to building setback. He pointed out that areas of the building will be razed and the electrical yard removed. He also pointed out what will become the final front wall of the building to remain. This technically becomes the side yard setback in the now rezoned B-2 district and that building wall is only 15 feet away from that new lot line that required zoning relief, which was granted. Internal parking spaces also require certain setbacks by the Ordinance that required relief. Lot coverage also required relief. All of this will be

incorporated into a comprehensive site plan, which they are currently working with Mr. Anagnost and his architect as well as Brady Sullivan's architect to come before the Board as quickly as possible as the construction season is moving along.

Mr. Rhodes said there are no improvements or changes to the property being physically proposed as a portion of this application. Those will all be part of the development application yet to come.

Chairman Harrington asked who the current owner is of the proposed subdivided lot. Mr. Anagnost advised that it is 655 South Willow, LLC. The Chairman asked who will be the owner after the subdivision. Mr. Anagnost said it will be 655 South Willow, LLC. The Chairman asked if it will remain in place as the actual owning entity. Mr. Anagnost said his idea is to separate it into two parcels and then essentially create a parking agreement between the smaller parcel and larger parcel because the smaller parcel is integral to the future site plan for both parking and access to the site. The issue comes down to the vaults on the site. They are in a chain of Title and being in a chain of Title it is not financeable. He said you can't do a \$20,000,000 or \$30,000,000 project without the ability to go to a bank and get financing and this allows them to essentially unlock the ability to do that.

Chairman Harrington asked what the material in the restricted area is. Mr. Anagnost advised that it is called Thorium, which is a radioactive material that was used by Sylvania in the manufacturing process of streetlights. It leaked in a small area and it was cleaned up and encased in concrete vaults. It is essentially 55 years through its lifespan, which is 100 years. As such, they have to keep the vaults in that location and not touch it for another 45 years.

Chairman Harrington inquired if the radioactivity wears off to the point where it becomes not harmful to people. Mr. Anagnost said it is not harmful to people now because it is encased in the vaults and it is far below ground. Chairman Harrington confirmed with Mr. Anagnost that it is no longer hazardous. Mr. Anagnost said that is his understanding from what was explained to him.

Having studied some of this stuff as a firefighter, Mr. Roy said Thorium has a half-life. If the half-life is 100 years, at that 100 year mark it is going to be half as potent as it was at the beginning. It then has another half-life, which is another 100 years so at that time it will be half of the half, which is a quarter. Therefore, it is not going to be inert in another 45 years, it is still going to be a problem.

Chairman Harrington asked if they did some testing when they bought the property and Mr. Anagnost said that they did. The Chairman asked if they used a Geiger counter to pick up readings. Mr. Anagnost said there were no readings that they were able to generate because it is encased in the vault. The only restriction on it is that they have to keep the brass plaques in place that say that the area cannot be disturbed. Chairman Harrington asked if they will be digging in that area and Mr. Anagnost replied that they will not. He added that they are going to pave over it and it will become part of the parking lot. The Chairman said it is hard for the

Board, without seeing the comprehensive site plan, to determine what they are going to be digging up and not digging up. He knows that is not part of this subdivision plan, but it certainly would be beneficial to the Board to see what their ultimate plan would be for this site to take public safety into concern as well. Mr. Anagnost said they have a full site plan application that has begun. He asked Mr. Rhodes to pull up that one section of the site plan.

Mr. Anagnost said it was a colored rendition of the first pass of the site plan. He pointed out the main entrance to the site is Driving Park Road. "It comes in parallel and as part of the area that is being subdivided and their parking spaces called out over the essential area of subdivision." The overall plan ends up being 130,000 SF. A portion of the front building will be demolished and the rest of the building right now is looking like an adaptive reuse although they are still studying the ability to tear it down and start fresh. The one thing he could tell the Board is that based on the restrictions in the Deed and the restrictions surrounding this material in the vaults that is one area where they will not be digging under any circumstances. In preparation of the subdivision plat, Mr. Rhodes said in looking over the Deed restrictions it is very clear that it is not just even that you shouldn't, it is part of the restriction that you "cannot" disturb this area. That is the easement. He added that the area was occupied even when Sylvania was there as part of their electrical room. The purpose is to try to allow the rest of the property to release its potential.

Chairman Harrington asked if they wouldn't be able to move it if they wanted to. Mr. Anagnost said he couldn't say that was 100 percent accurate. He said it would be in the "tens of millions of dollars" based on what they have been told because first you would need to find a space to dispose of it and then you would need to truck it across the country to do the disposal. You would then need to be really careful about excavating it and taking it out. Mr. Roy said it would be a specialized crew that would have to come in there with all the right certifications and they would have to use dosimeters to make sure they weren't getting any doses of anything and it would need to be documented from the "cradle to the grave" because it is very regulated and very expensive. If it was feasible to move, Mr. Anagnost thought Sylvania would have made the effort to do that. Based on all of the historical records that they have been able to find environmentally, it was an agreement between the government, the State and everybody that the best solution was to encapsulate it and leave it in place.

Chairman Harrington said it struck him odd because in a development because usually the Board is faced with taking lots and incorporating them into a development and not taking a lot out of the development. Usually the plans show several lots and they want to combine them into one to make a larger project. He said, however, that the applicant bought the property believing that they would be able to be successful in subdividing this portion out, leaving it in place and then paving over it. Mr. Anagnost said that was correct.

Ms. Flinchbaugh asked why they were doing this in a piecemeal fashion. She thought they should just wait on this until they see the site plan. Mr. Anagnost said if the subdivision doesn't go through there won't be a site plan because it can't be utilized going forward for the uses that they rezoned it to be. Ms. Flinchbaugh asked if they just don't want to go through the trouble

of doing the site plan until they have a decision on this. Mr. Anagnost said it's not even going through the trouble; the site plan can't be developed without this being subdivided off. It would be a completely different use. Actually, in the event that the subdivision is not granted then this will probably go back to an industrial use and become a storage facility.

Mr. Roy said he tended to agree with Ms. Flinchbaugh that they should see all of this together. To believe that the Board wouldn't give them the subdivision with everything else he found hard to believe because it is not that it doesn't make sense, but it is out of sync for the Board's normal operations.

Mr. Roy said they want to separate out the small lot and he has no doubt that Mr. Anagnost and Mr. Brady will maintain that property and keep it. However, he said he had to believe that somewhere down the road and "once they're gone" this thing flips to somebody else and they decide they want a different use for this property and put an entrance somewhere else and then they stop paying taxes on this piece of land. It will then become the City's property and the City's problem to clean it up. He assured Mr. Anagnost he was not accusing that he would ever do something like that; he was just looking down the road. He asked Mr. Anagnost if he could alleviate his fears. Mr. Anagnost said first of all they are looking at a 17,000 foot lot that nothing could ever be built on so the actual value from a tax standpoint will be miniscule when it becomes assessed. Therefore, the amount of tax to be paid is minimal dollars. It would cost a lot more to go change entrances. They would still have to come before the Board in order to do that, which this Board would then control the fact that they would not be allowed to do that. Mr. Anagnost said the cleanup would never take place because the recommended cleanup is to keep it encapsulated as is, which it would stay this way into perpetuity. He added that the City can choose whether or not they take a tax Deed and they probably wouldn't take it, which Mr. Roy agreed with. Secondly, if the City were to end up taking it for some reason Mr. Anagnost said the recommended course of action would be to leave it as is in its inert condition. Thirdly, it wouldn't behoove somebody to not pay the tax on it because the tax on a little parcel would be so low.

Mr. Anagnost assured Mr. Roy that the tax bill for the larger parcel when they redevelop it will be much more significant. Mr. Roy agreed and added that it would be a benefit to the City. Mr. Anagnost said the integral use of the small piece for both access and parking is much more valuable for them to pay the small tax than it would be to pay the tax on the \$30,000,000 to \$50,000,000 assessed project. Mr. Roy thanked Mr. Anagnost for answering that.

If they subdivide this, Mr. Roy asked if they will need easements. Mr. Anagnost said they would need a parking easement over it, which will come as part of the site plan. Mr. Roy said that is why he asked why this didn't all come together with the site plan because he can't see the Board not going along with this but with the site plan it would be even easier for him to go along with it. Mr. Anagnost said if it wasn't subdivided then the site plan they would be entertaining would be very much different than what they are contemplating right now.

Mr. Roy said he would assume that Mr. Anagnost would present the Board with a site plan that assumed that they got the subdivision so it would be the same if they did the subdivision tonight and then they could develop that site plan. Mr. Anagnost said not really because the traffic impact studies would be different for different uses. The amount of offsite that would need to be done would be different. Mr. Roy said it wouldn't be because the site plan would be the same because they would just take care of this business when that site plan that already recognized they were anticipating that they were going to subdivide this. As such, it is not any different than if they subdivided it tonight and then they developed the site plan so all the traffic stuff would be all right and everything else. Mr. Anagnost said their point of view is if this is granted they will be coming before the Board with a retail site plan that will have major anchors and all kinds of shops and that sort of thing. If this were not to be granted they would be coming before the Board with a storage unit so the site plans would be significantly different.

Mr. Anagnost said they had conversations with Director LaFreniere prior to coming in and they laid this out and he said the first thing they needed to do was apply for the rezoning and if the rezoning was granted, then the site plan would be different. The second thing they would do is obtain the variances to subdivide off the lot, which they went and got, and the third thing they would need to do was subdivide off the lot so they could proceed forward with the retail site plan because then they know it is going to be retail versus another more mundane use like storage units or something.

Mr. Clement asked if there will be any type of signage around this area stating that there is a hazardous material onsite. Mr. Anagnost advised that there are two brass plaques that sit on top of it.

Mr. Boissonneault asked if this lot is subdivided off and a parking easement is created for the benefit of the other parcel if there is any assurance that this could stay in the same ownership as the parent parcel or would they be free to sell this off. Ms. Goucher said typically you have a property that may be encumbered by easements or restrictions and it usually says to successors and assigns down the road. Mr. Boissonneault didn't know if and when the site plan is developed if that could be covered in the site plan.

Ms. Goucher said there is one more issue in realizing that they are probably going to be encumbering the whole property with an easement. She asked when they got their variances for setbacks and everything else, if they got it for 100% non-buildable area. Mr. Rhodes believed they did. He didn't know exactly what the wording was, but it was 100% lot coverage on that lot. Ms. Goucher said it just dawned on her because what they are going to be asking for is an easement in its entirety because the portion of the lot that they are asking the Board to create is a non-buildable lot that will be 100% encumbered by an easement for parking.

Ms. Goucher said part of what Mr. Rhodes has told them they understand. However, there wasn't any easement shown with the application. She pointed out that Attorney Cronin was in

the audience and didn't know if the applicant would like him to answer that. She didn't know if they would have to go back to the Zoning Board.

Mr. Anagnost advised that Mr. Rhodes had just enlightened him that he does have a first pass of the conceptual site plan so he put it on the overhead projector for the Board's benefit. Mr. Rhodes said they put this together just to show the relationship of where the entrance is and how the parking field might work. Mr. Rhodes said he has seen Attorney Cronin and Attorney Deachman write these to the point where the improvements here are dedicated to the perpetual easements for the adjacent property.

Attorney Cronin believed the question about the easements was if they can do it and he said they certainly can. Ms. Goucher asked if what is going to be created (essentially the proposed lot) is going to be 100% encumbered by the easement that is between the two lots. Attorney Cronin said it would and explained that when you say "encumbered" the actual easement itself would be granting rights to the master parcel for people to either park or cross or re-cross.

Ms. Goucher wanted to make sure that the Board, if they were approving a subdivision that is non-buildable, which is one of the issues that the Board has to look at in creating a subdivision, is if it meets the standards. She understands they obtained variances but she is trying to understand if they got enough variances. On a regular basis, Attorney Cronin said non-buildable lots are created if they are marked appropriately on the plan. He knows the regulations that you have to have so much frontage and various things but certainly the Board would have discretion as long as it is appropriately marked. The statute has some recognition of that. He said you see it a lot for conservation and for various types of lots and it is clearly marked on any site plan "not buildable" so they can do that.

Going back to the Zoning Board, Attorney Cronin said it would only be necessary if it was a material change in the plan itself or the use of the plan. Whether that piece of property they refer to as "the island" is owned in fee, whether it is encumbered by an easement or whether there is some reciprocal rights; it is all going to be used for the common site plan. Generally these things are done when there is some environmental issue for financing purposes such as when a bank doesn't want to take a mortgage or take any rights on that underlying piece. They used to see it back in the Brownsfield days when they did a lot of encapsulations of distressed properties it wasn't that unusual because the banks would say that they would finance the commercial piece but they wanted the bad stuff out of the way.

Attorney Cronin advised that he could see no basis or reason why they would have to go back to the ZBA unless they said they wanted to put a carnival ride on that or something that was totally at odds with the proposed development.

Mr. Boissonneault asked if this is encumbered because of the benefit it provides for the parent lot if the Board is premature to approve this without the site plan for the eventual development of the parent lot. Attorney Cronin said the Board could make the subdivision contingent upon approval of the site plan.

Mr. Boissonneault said he understood them not wanting to spend the money for engineering at this stage. He asked if it would be appropriate for the Board to approve this conditional on the site plan review. Ms. Goucher was sure staff could craft something in the recommendation.

Chairman Harrington thought Mr. Boissonneault's comment was also trying to connect the smaller new subdivided lot to the parent lot in terms of the ownership still being retained by the parent lot even if for financing purposes it is carved out. The Chairman said what was running through his mind is that the Board doesn't want the City to end up with this lot. Mr. Anagnost advised that the easements benefit it, which is what ties it together.

Mr. Boissonneault said that was his point where he thinks they are premature and it should have been done with the site plan. However, if it can be done conditionally he said he could live with that.

With all due respect, Mr. Anagnost said it is not that he is not interested in paying for the engineering, it is that he doesn't want to pay for it twice because if they came to the Board with a retail plan and it didn't work then he would have to come back with another site plan. Mr. Boissonneault said he understood that.

Chairman Harrington thought they were all in agreement that the highest and best use for the property, especially if they have tenants in tow, is to develop it as a retail location, which is why they got the zoning changed. As such, the Board wouldn't want it to return back to industrial if the highest and best use is for that. He thought this one was just a little more complicated because of the hazardous waste issue.

Chairman Harrington confirmed with Mr. Anagnost that they have done testings and there were no readings on the lot right now because it is encapsulated right now. He said when there are properties that have monitoring wells for VTE's or oil, they go and test it on a regular basis and it is reported back to the State. He asked if they have a testing plan in place. Mr. Anagnost said it was not required because it has been encapsulated and it is there essentially in to perpetuity.

Chairman Harrington asked if there is an emergency plan in the event that somehow it gets breached as mentioned earlier. Mr. Anagnost clarified that there was never a breach; it was a spill and that is when they found the contamination. The Chairman confirmed with Mr. Anagnost that the existing vaults have not been breached.

The Chairman asked if there was an Emergency Management Plan in place in the event his guys are digging in the wrong place and somehow it gets hit. Mr. Anagnost advised that an Emergency Management Plan would be created for that digging. There is none to his knowledge in place as part of the original closure of the site. In their current ownership, the Chairman asked if they have anything with the State or the Federal Government that requires them to do anything with the site other than not disturbing it. Mr. Anagnost replied "you got it".

Mr. Roy explained that once they encapsulate something they actually take readings outside of that vessel and different packages have the ability to have different readings but typically on something like this you are not going to have any reading at all outside. If that were to be breached by a backhoe or something like that they would probably realize it pretty quickly and then it is just time, distance and shielding. You don't want to be around it very long. You get away from it as far as you can and if it is a gamma ray or something you want to get something in between you like a building or something. He thought this stuff was probably more like an alpha or a beta that is going to be a particular particle form so you just don't want to ingest it or get it on your skin or anything. He didn't know that they would need an emergency plan or anything like that.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this application and the Chairman brought the hearing back to the Board.

There were no further questions from the Board. The Chairman closed this public hearing and advised that it will be deliberated at the next business meeting.

3. S-01-2016

Property located at Ohio Avenue (Tax Map 235, Lots 4 and 5), a subdivision application to adjust the lot line between lots 4 and 5, with approximately 12,000 SF transferring to lot 4 within the R-1B Zone. *Joseph M. Wichert, LLS, Inc. for Yvon Rivard.*

Mr. Boissonneault recused himself from this application.

Joe Wichert appeared on behalf of Yvon Rivard who owns the subject properties. They are Lots 4 and 5 on Tax Map 235. Currently the lots as they are configured run north to south and the proposal is basically to rotate this lot line 90 degrees and they will either get one additional building lot or they are going to make two more viable lots but at the end of the day there would be two single family building lots. The property is zoned R-1B. Over the course of the years Mr. Rivard has done Quiet Title to obtain ownership of the western half of Ohio Avenue and the eastern half of Connecticut Avenue and he believed 20-30 years ago New York Street was Quiet Titled and is included in these properties. This property was formerly in the Zone A of the special flood hazard area for FEMA but Zone A is within the limits of the 100 year flood and the elevation is not determined because it is an area that is either too small or doesn't have enough population to be mapped. Therefore, they applied to FEMA for a letter or map amendment to clarify the actual limits of that boundary. In looking at the line with the "long dot and the long dash and two short dashes", it is listed as the one percent annual chance flood plain and that is at 304 feet, which is a little bit above the bottom of the slope. In August of last year they received variances from the Zoning Board of Adjustment to create lots with substandard frontage. Lot 4, which is the northerly lot, is going to access off of the cul-de-sac side of Ohio Avenue. It has 25 feet of frontage. Lot 5, which is the southerly lot, will be accessed through a driveway at the end of Ohio Avenue extension. They have talked to DPW

and the proposal is to extend the private driveway, which is about 14-16 feet wide and it will go about 55 feet beyond the edge of the accepted right-of-way, which is about five feet in from the actual edge of pavement so 50 feet total would go in. It is going to be like a private driveway but there is going to be an additional easement granted to the City to allow them to plow and store snow at the end of that so there is not going to be a problem. He believed they were allowing 15 feet beyond the edge of the limit of the driveway for the full width of 20 to allow for snow storage. DPW has requested that the driveway come off of the west side of that driveway extension so there won't be any obstacles with snow plowing. They met with the Conservation Commission last night and he hasn't seen their letter but assumed that there were no significant issues. He believed they agreed to placard the limits of the wetlands as part of that.

Chairman Harrington asked what the plans are for the shed on the property. Mr. Wichert said the shed belongs to the Broderick's, who are the owners of 250 Ohio Avenue. He said they dealt with this in August when it was brought up during the zoning review and he believed Mr. Belanger sent an email saying that any kind of condition of approval would be based on that shed being removed. Chairman Harrington asked if the applicant has had any conversations with the Brodericks about that possibility. Mr. Wichert thought both parties were aware of it earlier because he believed there were letters in the file going back and forth between attorneys. Attorney Muller from Cronin, Bisson & Zalinsky sent out another letter earlier this week and copied Mr. Belanger on it updating the Brodericks that the City was requiring the shed to be removed before they could get approval.

Chairman Harrington asked if there was any consideration to subdivide off that sliver of land and just letting the Brodericks keep the shed there. He asked if it would mess up the buildable area for them. Mr. Wichert didn't think so as he believed it was configured as 21,000 SF and he only needs 7,500. He advised that Mr. Rivard had not asked them to do that.

Mr. Roy asked if anything is being proposed for the west end of those lots. Mr. Wichert said they thought perhaps they may have the ability to get there, but the intent of the application was to configure the lots so they wouldn't have any wetlands impact. Therefore, in theory if this gets approved there is no reason to cross that wet because they have access on the upland side and he doesn't believe they would be able to get a wetlands permit to do so and that is kind of why they are doing it.

There were no further questions from the Board. Chairman Harrington turned the hearing over to the public and invited those in favor of this application to come forward. No one came forward and the Chairman invited those opposed to this application to come forward.

April Broderick of 250 Ohio Avenue was concerned with flooding and water issues in this area. Back in 2007 they built an addition on their house and they are on a filled in area so when they did that they disturbed the water table and in May of 2007 their basement flooded up to their knees. With recent construction and water disbursement even over in the Derryfield Country Club area her concern is that when they redistributed that water based on that golf course it is

now going to end up in their area when the spring comes. She questioned where the water will go that has been displaced from the Derryfield Country Club.

Her other concern is with the flood zone. She said FEMA had reached out to them because they were in a flood zone. Granted it was something she disputed, but certainly it is because of the redistribution of water. She has other concerns that there will be no front yard because it will just be a 25 foot wide driveway, which will go parallel to her home. She has children and grandchildren and this is an area that is a nice quiet neighborhood. She has had deer, fox, turtles, beavers and there is plenty of wildlife in that backyard and they will be disrupting nature, which is part of the reason why they purchased this home. It is quiet and allows them to have a nice peaceful backyard. She also has concerns about snow storage because when they have excessive amounts of snow it gets piled up in the middle of the cul-de-sac and it sometimes it gets as high as the telephone wires. That driveway will then be obstructed by this mountainous pile of snow. She has had to call the City on a number of occasions and beg them to come and remove that snow because if it isn't removed it then floods her basement. There are many water issues with this area.

Jeannine Kerouac of 260 Ohio Avenue appeared along with her husband Steve. Some of her concerns are with the water table and wetlands. She doesn't understand how a building can be built in that area with the wetlands right there. She asked if the plan is to fill in the wetlands. She asked if there was an environmental study done of the area in terms of the wetlands and wildlife and how building on that area would impact those concerns. She was concerned about traffic and if the road was going to end up going all the way through. She said that will create a serious traffic issue and she was concerned about it becoming a cut through.

Chairman Harrington said the applicant can talk to her about that but at least what he is showing the Board is that the road will not be going through and connecting. It is just two driveways coming from two opposite ends.

Bob Tappan of 300 Ohio Avenue said he was around for the first go around with this 30 years ago. He wanted to know if they planned to open up the cul-de-sac at the end of Ohio Avenue. He said they want it to stay closed.

Meghan Shaw of 315 Ohio Avenue advised that she and her husband are raising a family in the home that she grew up in. The whole point for them is to have that safety in that family environment. She has the same concern with the cul-de-sac as her neighbors who spoke previously. She thinks this will be destructive to the community. She asked if there is any type of stipulation that could prevent the opening up of the cul-de-sac.

Chairman Harrington did not think so. Ms. Goucher explained that the road was discontinued so there is no road other than the road as it exists today. What they will be doing is bringing in driveways only with a driveway from one end of Ohio Avenue to service one house and a driveway from the other end of Ohio Avenue to service another house. Between the two stubs of where Ohio Avenue exists today, the piece of land between it has been discontinued so there

cannot be a road in that location. They can only access with a driveway to one house on each end and they obtained the variances for the reduced frontage in order to do that. Ms. Goucher did not believe that the applicant has demonstrated as to where the house will be located other than it has to be outside of the wetlands and be coming in from a driveway. It is essentially going to look like one more house at the end of the cul-de-sac.

Dave Bartula of 301 Ohio Avenue. He said if this goes through where Mr. Rivard gets his way he is afraid he will sell the property and another builder will come in and they will be back here again. He asked if they will have to go through this again. He said all the dealings in the past with Mr. Rivard weren't pleasant and he is seeing a driveway from Hanover Street and Ohio Avenue and they are saying it's going to stop. He said he would love to believe that but to him it seems it is easier for him to connect and start with houses or the next builder and he doesn't trust him.

Steve Drewniak of 265 Ohio Avenue said he has been there for about 33 years and he recalls when Rivard bought that land and it was a swamp. He filled it in and tried to put some condos in there but was stopped by the environmental people and the City. He said now Mr. Rivard is doing this and like Mr. Bartula, he doesn't trust him after dealing with him for over 30 years. He mentioned the turtles that come up and lay their eggs back there and he is concerned about them digging that up.

Steve Kerouac of 260 Ohio Avenue was concerned that he hasn't seen a plan. All he has seen is a map with a flood zone on it. He asked how they can make a decision on something that is not there.

Patrick Broderick of 250 Ohio Avenue asked what Mr. Rivard's intentions are. He asked if he is going to get this property and sell it to a contractor. He said he received a letter from Cronin Bisson & Zalinsky today concerning his shed, which has been there since 1999 and is on the property line. The letter said if he did not get in touch with them by February 8th that Rivard could take care of it the way he sees fit. He said that is what they have been dealing with for over ten years.

Mr. Belanger said a copy of the letter is in the file as he was copied on it.

Steve Christos of 135 Ohio Avenue asked when they start digging, who is going to clean up the area as there is a lot of toxic waste in that area as well as a lot of tar. He has lived in his house for 31 years and in this area for over 54 years now. He was around when they filled all that swamp in. They filled it in with all the odd crap they got out of the mills. They also filled it with a lot of tar. He said you can still see the tar down there.

Mr. Wichert advised that the applicant has no plans to connect Ohio Avenue from the south end to the north end and, as noted by staff, the street has been discontinued. They took Quiet Title of the western half of it so the only way any City street could be put back would be

through the normal process, which would mean the City of Manchester would have to take the land and pay damages to all the parties adjacent to it. Therefore, they have no plan to do so.

Mr. Wichert said the wetlands were originally delineated in 2007 and they had them re-delineated last week. The proposal as stated to the Conservation Commission last night and in their initial presentation is that this proposal has no wetlands impact and they are looking for no relief on the wetland setback so they plan to adhere to the 25 foot wetlands setback and they plan to adhere to no impact to the wetlands. They haven't had a wildlife study done because generally they wouldn't do one for a one lot subdivision.

Regarding the flood plain and the water levels Mr. Wichert said this area was Zone A, which means it was subject to the one percent annual chance of 100 year flood but they didn't assign a number to it. As such, the people at 250 and 260 Ohio Avenue both got letters of map amendments, which is a form FEMA gives you that says you're above it even though they haven't assigned a number so it is a little bit more definitive evaluation of the wetlands. On the LOMA for 250 Ohio Avenue they used the one percent annual chance of flood was 298.2 and on 260 Ohio Avenue the one percent annual chance of flood was 299.6. In looking at the plan, because of the size of the lot they had when they were dealing with FEMA, the actual number that was assigned to the base flood evaluation (BFE) was 304. Therefore, it was approximately five feet higher than what the other parties were. He thought that was important because Mrs. Broderick mentioned that she had a flood in her basement due to a storm. Typically when a builder is going to situate a house and put the building in, they are going to try to keep the basement slab above the base flood elevation. He said the two new houses are actually going to be higher than what currently exists because they are newer and subject to more regulation.

With respect to the impact of the Derryfield Country Club, Mr. Wichert said he hadn't necessarily looked at it an awful lot other than he happens to own two properties that run along the 16th fairway so he looked at it a little bit. The way it was explained to him was that what was supposed to happen was they were going to go in and strip out all the peat, put better subsoil in and with the drainage improvements that area is dry so he actually doesn't think there is going to be a shed of water going in this direction from those improvements. If anything, the hope is that the fairways will absorb more water and there will be less runoff to the abutters.

With regard to toxic waste or tar, Mr. Wichert said he had no idea. He said there was probably debris that you wouldn't normally use in 2016 but as somebody who has been in the area for a while there were more than a few houses that had little signs saying "hard fill wanted" back in the day and a truck would just drive up and dump the fill there. That is just what happened. As such, he doesn't necessarily think there is anything toxic there that they were aware of or has been brought to light through any kind of testing or normal transactions of property that would be required to have that.

Chairman Harrington confirmed with Mr. Wichert that they will only have a driveway off the cul-de-sac on Ohio Avenue. Mr. Wichert reiterated that the street has been discontinued.

With regard to the Derryfield situation, Mr. Roy said he was there every week during construction and they didn't strip out all the peat. They put in slit drains and they ran those to collectors and the collectors went to bigger pipes, just like a sewer would be and they all connect together and discharge at Hanover Street at the culverts that go underneath the road. Therefore, he is confident after what he saw this summer when they had those big rains and it used to be that they would close down the 15th and 16th fairways now two hours later you can walk down there and there is no water. As such, he is confident that it is all going to go down to Hanover Street and it will be ushered away from this neighborhood, thankfully.

In the paperwork, Mr. Roy advised that Water Works said there may not be available water but water mains are shown. He asked if water mains are going to be put in there. Mr. Wichert said Guy Chabot emailed him today saying they were good to go.

Mr. Roy asked about sewer. Mr. Wichert said there is a sewer line that runs through the road. There is an existing sewer main that runs through the paper section of Ohio Avenue so they have the ability to tie into that.

With respect to the stuff in the ground, Mr. Roy asked if they did any borings. Mr. Wichert said they did not.

Alderman Levasseur confirmed with Mr. Wichert that this is going to only be two lots and not four. He also confirmed that if there wasn't two lots that they could just build one house on one lot. He asked if they would be able to go from either end if they were just going to do it on one and Mr. Wichert said yes.

The Alderman asked if they are both one acre lots. Mr. Wichert said as they have them proposed Lot 4 (northerly lot) is 1.76 acres and Lot 5 (southerly lot) is 1.44 acres. Alderman Levasseur asked if he had any idea where they would be putting those houses. Mr. Wichert explained that Mr. Rivard was a builder and is now in his 80's. He doesn't believe he has any intention of building these houses and believes his intent is to get the approval and to sell the properties. As such, they don't know where the houses are going. Alderman Levasseur asked if the houses would be more forward and not all the way back where the brooks and wetlands are. Mr. Wichert said they can't be within 25 feet of the wetlands and that is getting close to the area where the floodplain is.

Alderman Levasseur asked what the width is for the entranceway, which would end up being a driveway since it is not a street. Mr. Wichert said they have 25 feet of frontage on both sides. The north end is simpler because there is already road terminus device there so they are just going to put a driveway that ties into the cul-de-sac. On the south end they are going to end up having to build a driveway extension so the plows can continue through without impeding anybody's driveway.

Alderman Levasseur asked if Mr. Rivard is going to be the builder on these lots or if he is going to sell the lots off. Mr. Wichert believed he was going to sell the lots.

Mr. Belanger advised Mr. Wichert that staff was not aware that the wetland scientist had re-delineated the wetlands. He asked if there was a change as opposed to what was shown on the plan. He asked him to describe the delineation. Mr. Wichert thought he did it to the normal standard that you would do any wetlands delineation. He asked geographically how thorough it was. Mr. Wichert said it basically ended up being a hair better on the north side and he thought they were consistent going all the way through to the south end. If anything, the first line that was done in 2007 seemed to be a little bit more conservative. This time it seemed to be pushed in a hair.

Mr. Belanger asked if there will be a new revised plan or if this plan showed the updated delineation and the wetland line that is shown on the plan. Mr. Wichert said he was sure they could use it if that's what they want. He explained that they went with this one because it was more conservative, but he could put the other one in if that is what they would like.

With respect to the sewer line that goes down what used to be the center line of Ohio Avenue, Ms. Goucher asked if the City reserved easements when they discontinued the road. Mr. Wichert said that whole stretch of Ohio Avenue is reserved with existing and proposed easements. That is why under the Buildable Area Table it is under easement. The whole 50 foot wide strip of Ohio Avenue has an easement on it.

Regarding the issue of 250 Ohio Avenue, Alderman Levasseur asked if there would be a curb cut there or if it would be a granite curb. He asked from the cul-de-sac how they are going to get into that driveway. Mr. Wichert pointed out on the plan a little dashed line which depicts the existing trail. Three quarters or more of the trail is on the east half of Ohio Avenue but on that section adjacent to the cul-de-sac the trail is actually very close to the center line. As such, what they would probably envision since they only have 25 feet to work with and assuming it is a 10-12 foot wide driveway, it will probably be over 5-10 feet from that trail. He doesn't think it is curb.

Alderman Levasseur asked if there is a condition that curb be put in. Chairman Harrington told him not in this.

Mr. Belanger advised that when Highway reviewed this, they didn't request any kind of curbing there. In looking at the aerial of Ohio Avenue, it does not appear that there is a curb there at the cul-de-sac. Mr. Wichert said he just heard an abutter say there is a curb there. Mr. Belanger said in pulling up a perspective shot it shows that there is curbing there.

Chairman Harrington advised that the Board had sufficient information to close this public hearing and it will be deliberated at the next business meeting.

4. SP-01-2016

Property located at 300 Keller Street (Tax Map 874, Lots 12 & 12A), a site plan application to fully redevelop the site with a 40,507 ± square foot CarMax facility, inclusive of a 3,707 square foot private carwash and associated site improvements within the B-2 Zone. *Wadleigh, Starr, & Peters, PLLC for CarMax Auto Superstores, Inc.*

Bill Tucker of Wadleigh, Starr & Peters appeared on behalf of CarMax Auto Superstores. He has advised that CarMax is under agreement with Walmart to purchase the existing Walmart store on Keller Avenue and Auto Center Road. Once Walmart vacates that property they will give them notice and at that point they will take Title to that property.

Mr. Tucker advised that they needed one variance to the site, which relates to impervious surface. Although they will be having more green space than Walmart currently has, they still did not meet the 75% so in December they went before the ZBA and got a variance for that one matter. Otherwise, they are in full compliance and they are also not requesting any waivers.

Mr. Tucker said they met with staff and have prepared a plan with some of their comments taken into consideration. They have also met and talked to DPW and Fire and have taken their comments into consideration as well.

Also present tonight was Jason Pruitt and Heath Kennedy from CarMax, who will provide an overview of who CarMax is and how a CarMax store operates as well as Austin Turner from Boehler Engineering who will go over the site plan.

Jason Pruitt, real estate manager for CarMax, said this store is their first store in Manchester as well as their first store in New Hampshire. CarMax is the nation's largest used vehicle retailer who offer a great selection of quality used vehicles at a low price. They are also known for the transparent and honest sales process that they provide to their customers. They are a Fortune 500 company and they are also on Fortune's 100 best companies to work for list, which is an honor they take great pride in. They have been on that list for a number of years and have had that honor because of the great pay and benefits they offer their employees as well as the great work environment they provide.

At this particular location they will be bringing in approximately 120-140 jobs to the local community. CarMax also attempts to be a good corporate citizen and is active in the local community. Through the CarMax Foundation they have given over \$25,000,000 to the communities that CarMax is a part of. They also encourage all of their employees to perform community service and CarMax will match their time and monetary contributions to the non-profits of their choice through matching monetary contributions.

They currently have 155 stores throughout the country. The closest two stores to this store would be their Danvers store and their Norwood store which actually just opened this past December. They will also be opening a store in Westboro later this year.

In summary, Mr. Pruitt said they see this as a great economic development opportunity for the City. They will be bringing significant jobs and investment to the local community. It is also going to be a great opportunity to redevelop an existing commercial property by bringing in a use that will result in less impact than what is currently there with the existing Walmart.

Heath Kennedy of Centerpoint Integrated Solutions located in Denver, Colorado appeared to briefly describe a CarMax, talk a little bit about the site plan, the operations and how they function.

Mr. McCue asked how many cars they are going to have on site. Mr. Kennedy advised that at this particular location, they will have 422 cars in the sales lot.

Mr. McCue asked about the hours of operation. Mr. Kennedy said their standard hours of operation are typically about 10:00 AM to 9:00 PM. They generally operate seven days per week unless the locality has any sort of blue laws to prevent them from operating on Sundays.

Mr. Kennedy said if he was someone looking to purchase a vehicle, he will drive to CarMax and pull into the parking lot and the first thing he is going to notice is that all of the inventory is located in the secured sales display area completely segregated from the parking lot. When walking into the sales building he will be greeted by an associate who will ask him a few questions, ultimately they will walk out into the display area and take a look around. If he decides he wants to take that vehicle for a test drive they are actually going to bring that vehicle around to the front door and then he would take it from there out of the customer/employee lot. The customer/employee lot is just that for parking.

If he was someone who didn't want to buy a car and just wanted to sell a car, he could bring it down to CarMax and they will actually come out and do a visual inspection on that vehicle. They will make a written offer. If he decides to sell that vehicle it will be taken in the staging area and parked there. If it meets certain standards, that vehicle will go through the CarMax quality certification process in the service building. From there it would go over to the car wash building where it will go through a final inspection station. It would go through detailing; they would run it through the car wash and then take it out to the display area for sale.

If someone in another state found this vehicle on CarMax's website and wanted to purchase it, CarMax would actually ship that vehicle out to the nearest car location for that customer where they could purchase it. In that instance, that vehicle would be taken out into the loading area where it would be put onto a car carrier. Similarly, vehicles that are brought into this facility would be offloaded in that same location, which is designated for loading and unloading and then taken back into the staging area.

Mr. Kennedy advised that CarMax offers limited retail servicing to the general public so if someone wanted to bring a vehicle in for an oil change or tire replacement they would bring it into the presentation building between the sales and the service building. They would talk to

the service writer who would write up the order, take the vehicle back into the staging area where it would be queued up and go through servicing.

Austin Turner of Boehler Engineering advised that they spent a fair amount of time in the evolution of this site plan working with NHDES on the sewer, the stormwater and some of the other permits that they are pursuing through their group. They spoke to Mr. Winslow at DPW as well relative to their sanitary connections and they made sure that their layout and flows and everything were acceptable to him. It can be seen in the staff report that Mr. Winslow does not believe that they need a sewer connection permit because their sanitary flows are anticipated to be below the threshold for which that permit would be required. He said they have concurrence for that with NHDES as well.

Mr. Turner said they are actually reducing impervious area quite substantially. They are working with the alteration of terrain group at NHDES on their forthcoming Alteration of Terrain application. They worked out the stormwater design in principal with them prior to filing for site plan application. They are actually going to be improving treatment substantially on this property by way of a number of different hydrodynamic separators of which none exist today. It is basically a straight pipe out to the receiving body, which would either be Cohas Brook or a nearby wetlands system. From NHDES's perspective they are pretty pleased with their approach on stormwater. From just a general site plan perspective they are compliant dimensionally with underlying zoning with the exception of the impervious coverage for which they already received a variance from the Zoning Board for that requirement. Utilities will be pulled from the public infrastructure that is available proximate to the site either on Goffs Falls Road or Auto Center Road out in front very straightforward from that perspective and they are anticipating it to be less of a draw than the current use being the existing Walmart facility.

Mr. Turner said they spent a lot of time working with staff and various departments in the City as well as the State to develop this site plan and what is before the Board this evening is representative of some quality feedback they have gotten on all fronts.

With respect to the drainage system for the parking lot, Mr. McCue said they mentioned that they were using a new type of separation system to basically isolate the oil from the storm runoff due to the number of cars parked on the lot and the car wash. Mr. Turner said it is a multi-bay car wash for private use. There really isn't going to be runoff generated from that. The majority of the water that is used for the car wash is reclaimed and recycled. It isn't 100 percent, but it is a fairly efficient system. Mr. McCue confirmed that they have a separator of some sort.

Mr. McCue asked about the filtration system on the water. Mr. Turner said one of the most important parts of their project is they are actually reducing impervious coverage fairly significantly, which improves infiltration across the site just by nature of the reduction. Secondly there are two watersheds on the property. Currently there is no treatment. It is collected, piped and it is gone. They are proposing what is called hydrodynamic separators, which is a really fancy term for what amounts to a swirl chamber. He explained that

stormwater enters the swirl chamber. It slows down to velocity 1. It allows heavier things like sediment and sand to settle out to the bottom of that tank. It also allows floatables like hydrocarbons, oils or trash to float to the top where it is collected and as water filters out it is almost siphoned out where those floatables stay on top, the heavier things like sand and silt stay at the bottom and then the treated water is then discharged into the piping system where it then goes ultimately to its point of release.

Mr. McCue asked where the debris goes or if they have to clean it out. Mr. Turner said those have to be cleaned out. They have included in their drainage report a maintenance program that defines the general frequencies to which those structures would have to be maintained.

Mr. McCue asked about snow storage during the winter. Mr. Turner said they have identified on the site plan a fairly significant area in what is identified as the "work in progress" in the corner of the plan. They have identified that area as being their primary point where they will collect and store snow. CarMax views the area highlighted in green to be essentially the equivalent of a sales floor. They don't want to block it. They want to make sure that people who are interested in seeing a vehicle who are going to be on Keller Street or on roads proximate to the property can see that and see the vehicles that are for purchase. With that in mind, the majority of the snow would be ideally located to the area that he identified previously on the southwest corner of the property. Being in New England there may be instances where temporarily snow may be stockpiled in select locations of the site that make sense operationally for CarMax but their intent is to locate it where he identified before.

Mr. McCue saw that their access to the back area was basically through the Goffs Falls side of Auto Center Road and that they have a fire lane worked in through there. Mr. Turner said they worked out fire access throughout the property with the Fire Department. The plan before the Board is a plan that the Fire Department is okay with.

Mr. Guerra said they mentioned that loading and unloading of vehicles is going to happen in that loading zone. He asked if it will happen anywhere else. Mr. Turner pointed out a location right around the front island where a car carrier or vehicle can come in load and CarMax employees will unload the vehicles from that carrier and into the temporary staging area.

When you first get in there Mr. Guerra said their inventory is coming from someplace. They are not going to open on day one and have 422 cars there. It will be coming in at certain points and they are going to have more than one truck at a time hanging around unloading cars. Mr. Turner said car deliveries are fairly infrequent for a store like this. They are actually preparing vehicles for resale at this location so there are deliveries and cars being taken away, but that is fairly frequent and they provided adequate loading to accommodate their expected needs.

Mr. Guerra asked if the sales display area is fenced in. Mr. Turner said portions of it will be fenced. The perimeter will have a metal guardrail that will be on the roadside. A portion of it is defined by a security wall, which is a six foot high masonry wall that separates the staging area

from the sales lot. That is for a couple of reasons; one being security and the other to define those areas of the property from each other.

Mr. Guerra said something else he saw on the plan is this “beautiful, wonderful, good looking sod stuff”, which often times they find with many car dealers here in Manchester that they enjoy putting cars on there. He asked what their thoughts are on that. Mr. Turner advised that CarMax only stores vehicles in its sales lot. Unlike other dealers, they do not mix their parking and inventory. The secured area that is highlighted in green is where all of their sales inventory will be. There will not be any vehicles outside of those designated spaces in the green area. Mr. Guerra asked if they were comfortable with having that as a condition. Mr. Turner said they were.

Mr. Boissonneault said they mentioned that there would be fencing separating the display area out in the back. He asked how the Fire Department would gain access after hours if there was an incident. Mr. Turner said they worked that out with the Fire Department. There are two points of access to the non-customer or employee areas (yellow area). He pointed out two security gates on the plan that will be controlled and the Fire Department will have a key to the box that will activate the gate in the event that there is an emergency and they need access to the rear of the property.

As part of this property there are two remote portions of the lot. Mr. Boissonneault asked what the future is of those. Mr. Turner said they are purchasing those from Walmart along with the parcel that have wetlands and they have no plans to develop them. They couldn't even develop them if they wanted to without getting the necessary approvals. Mr. Boissonneault confirmed with Mr. Turner that the three disassociated parcels will be owned by CarMax.

Alderman Levasseur asked what the square footage of the building that is up there now compared to what they will be putting up. Mr. Turner said it is approximately 110,000 SF that is there now and they will be putting up approximately 40,000 SF.

The Alderman confirmed with Mr. Turner that CarMax is purchasing the property from Walmart and that they are not leasing it.

Mr. O'Brien said they mentioned that they are going to be putting a metal guardrail along the landscaped area on Keller Street. He asked if there was any way they could switch that out with a wooden guardrail detail. Mr. Turner said they prefer metal as it is more secure. The wooden guardrail that they are proposing is because they have an access easement that is on the property that connects to the AutoFair parcel to the west. They are using the wooden guardrail for that driveway down there where they had some sloping on the side that is being proposed but they prefer metal around the sales portion of the lot as it is more secure and provides more security. Mr. O'Brien confirmed with Mr. Turner that when they say security, they are worried about people taking a car and blasting through it.

With respect to the fence that was between the green and the orange area on the plan, Mr. O'Brien asked if that was chain link. Mr. Turner advised that it will be a black aluminum or iron fence that will be complimentary to the architecture, but it won't be just chain link.

Going back to the metal guardrail, Mr. O'Brien asked if it would ruin their operations if it was wood. Mr. Turner said unfortunately wood doesn't supply the needed level of security for their sales lot. It happens throughout the country where people will try to break into their sales lot, try to hot wire a car and then try to bust through whatever barrier is around the sales lot. The metal guardrail provides that needed level of security that a wood guardrail unfortunately cannot provide.

Mr. Guerra said he knew where Mr. O'Brien was going and asked if it was because he didn't like looking at the silver. Mr. O'Brien said he didn't like the color. Mr. Guerra said he was just talking to former Alderman Roy that there are other guardrail systems out there that are metal but they have a coating on them that naturally rusts and it kind of like goes away visually. You're not looking at the shiny metal kind of thing, which is probably what Mr. O'Brien was digging at. He said it is a coating that is on there already and Connecticut uses it on their parkways a lot and they just sort of visually goes away. They are still a metal guardrail but it just has that rusted kind of a look to it.

Chairman Harrington asked if that was something they have used in other locations or if it would be something they would be open to. Mr. Turner said there is actually a form of guardrail called Corten steel that has the finish they are talking about and they can agree to do that there. Mr. O'Brien thought that would be a nice compromise considering that they don't want to put up a lot of trees or vegetation in that area.

Mr. McCue asked if they were going to put in an irrigation system. Mr. Turner said they are proposing drought tolerant species so they are hardy. They will, however, irrigate at select locations where appropriate. Mr. Turner said they haven't put a plan together specifically for the irrigation piping. The Chairman asked if they had a landscaping plan and Mr. Turner advised that they do. Ms. Goucher said they have a note on their plan saying they are going to irrigate.

Chairman Harrington asked how they are going to irrigate it. Mr. Turner said they will have an automated irrigation system; they just haven't fully designed it yet.

Mr. Roy saw a rendering of a sign in the packet that looks like a regular sign. He confirmed with Mr. Turner that they won't have any scrolling message boards or anything like that. Mr. Turner said they do not anticipate having any scrolling messages. Mr. Roy said "good, I like that".

Mr. Roy asked if there are going to be any rooftop units. Mr. Turner said there will be and they will be screened.

Mr. Roy asked what the circulation for the car carriers are going to be. Mr. Turner said the circulation pattern generally would be in the outer loop. They designed that the islands are

more flared or have a wider radii on the outside edges. It is also a substantially wider driveway the reason being it still promotes two-way traffic through the site while allowing the car carrier to pull off at which point that carrier vehicle can leave and then head back up towards Routes 101 and 293. He asked if a carrier is there if there is still enough room for the Fire Department to go by and get into that back lot and Mr. Turner said there is and that has been reviewed and approved by the Fire Department.

Chairman Harrington said there is no curb cut currently there at the Walmart site at that location. Mr. Turner confirmed that the Chairman was talking about the southerly location. Mr. Turner said that was correct.

The Chairman confirmed that there is a new curb cut. He said it is very close to that intersection. He was concerned that they will be blocking that intersection to get car carriers out. He thought it seemed awfully close. Mr. Turner said they do not anticipate that being the case. They anticipate the majority of their car carrier movements to take a left to head back towards South Willow to get out towards Route 101. He said that question came up with Traffic and they reviewed it with them and provided a memo in response, which he believed was part of the package. They anticipate a very significant reduction in traffic. Comparatively speaking CarMax is a very low traffic generator compared to Walmart. They expect that intersection to operate freely and they don't anticipate there being blocking or significant issues there.

Mr. Turner said the memo that was submitted by the traffic engineering consultant did their analysis of what the anticipated queues would be there. It demonstrates that they don't expect that driveway to be blocked. If someone were to be coming in on Goffs Falls Road approaching the site in a westerly direction taking a right and then wanting to take an immediate left in, if there was sufficient queue that may prohibit that left turn and somebody was waiting there is still sufficient distance on the pavement and the through lane where a vehicle could bypass. If that driveway was blocked and there was an unanticipated queue that was longer than the driveway, he didn't know that anybody would wait to get in there knowing that they have the other access, which frankly is anticipated to serve as their driveway anyway because it is immediately next to the sales lot and where the monument sign will be located. The majority of their customers are expected to use that driveway.

The Chairman asked if they had a rough idea of how many direct sales they do at a location like this versus internet sales. Mr. Pruitt didn't have any specific numbers but said as the internet has grown in popularity as a means to shop for cars, the vast majority of their customers that visit their website before coming to the store to look at a car is somewhere in the vicinity of 80% of their customers. You are not able to actually complete a transaction online as it stands right now on their website so they still need to come to the store to complete the transaction.

Chairman Harrington said it seemed to him like this is a little bit of a shift in purchasing cars in that their business model seems to be a different type business model than what is currently here in this market, which he thinks is a good thing. He asked if this is more of a trend and they will be seeing more of this. As far as how CarMax does business, Mr. Pruitt didn't know that he

would call it a trend because they actually started their first store back in 1993 and they have been growing ever since then. As such, this business model has been in place throughout the country for some time. They are new to the Boston area so it is new to this area, but they have used this model throughout the country and it has worked very well for them.

Ms. Levandowski asked Mr. Turner to explain the relocation of the easement to AutoFair. She also asked if there has been an official follow up on traffic with DPW regarding that intersection. Mr. Turner spoke with Kristen this morning to follow up on a memo that they had submitted as part of the official package. She said that was a discussion they could have with the Board and staff this evening and work through that. He didn't get the feeling there was a substantial resistance on her front. It was more of a "lets figure it out and talk through it with the Board and get their take".

With respect to the easement, Mr. Turner said it is currently an access that is via an easement from Walmart to the AutoFair property. Generally speaking they are proposing to relocate that easement. There is nothing in the easement that precludes it from being relocated provided access is still maintained through their property to the AutoFair property. They have relocated as shown in the graphic but still maintaining the same point at which it enters the abutting property. They are just moving it and consolidating it so it is more efficient for both AutoFair and CarMax. There have been some preliminary discussions with AutoFair about the relocation of it and that seems to have been received favorably so far. In fact the language of the easement provides that the Walmart site has the right to relocate it so long as access is maintained. Therefore, they have the right to relocate it.

Mr. Boissonneault asked if the access easement can only be used by automobiles or can trucks go across it. Mr. Turner advised that AutoFair is allowed to use the easement for any type of vehicle. However, per the site plan, they won't be making use of it. It will be solely for AutoFair's use. Mr. Boissonneault said if a car carrier were to try to make that radius he thought it would have a tough time. Mr. Turner said it might be better now because it is straighter where in the existing condition it has a couple of turns to navigate through there.

Chairman Harrington turned the hearing over to the public. No one came forward either in favor of or in opposition to this application and the Chairman turned the hearing back over to the Board.

There were no further questions from the Board.

Chairman Harrington advised that the Board had received sufficient information to close this public hearing, which will be taken up at the next business meeting.

III. LIMITED BUSINESS MEETING:

(Tabled Items)

1. **SP-08-2015/PD-05-2015**

Property located at 53 Mammoth Road (Tax Map 716, Lot 1B), an application to construct a two-story community building with approximately 4,100 SF adjacent to an existing church, with associated site improvements. *Joseph M. Wichert, LLS, and Rokeh Consulting, LLC for Faith Baptist Church (owner)*

2. **CU-04-2015**

Property located at 53 Mammoth Road (Tax Map 716, Lot 1B), an application for a Conditional Use Permit for a church use in the R-1B Zoning District. *Joseph M. Wichert, LLS, and Rokeh Consulting, LLC for Faith Baptist Church (owner)*

3. **CU-05-2015**

Property located at 53 Mammoth Road (Tax Map 716, Lot 1B), an application for a Conditional Use Permit for a reduction in parking from 87 parking spaces required to 80 spaces proposed. *Joseph M. Wichert, LLS, and Rokeh Consulting, LLC for Faith Baptist Church (owner)*

4. **S-28-2014**

Property located at 388 Elgin Avenue (Tax Map 556, Lot 105) and at Tax Map 283, Lot 49, Tax Map 556, Lot 37 and Tax Map 556, Lot 106, an application for consolidation and subdivision to create 31 buildable single family residential lots with public improvements and proposed easements. *Northpoint Engineering, LLC for Marshall-Davis Investments, LLC*

(Current Items)

6. **SP-36-2015**

Property located at Sundial Avenue (Tax Map 435, Lot 9A), a site-plan application to construct a 48-unit, four-story apartment building with associated site improvements within the RDV Zone. T.F. Moran, Inc. for SMC Sundial, LP.

Chairman Harrington advised that there was a staff recommendation and the Board took a few minutes to review that information.

Mr. O'Brien made a motion to approve the waiver for the reduction in size of off-street loading spaces, which was seconded by Mr. Guerra. (Motion Carried)

Mr. O'Brien made a motion, which was seconded by Mr. Clement to approve SP-36-2015 per staff recommendation.

Alderman Levasseur asked if this included the rail trail and Mr. Belanger said it did not.

(Motion Carried)

Conditions of Approval:

1. The applicant shall obtain sign-off from all City reviewing agencies, including the Planning staff, prior to signing of the site plan;
2. Curbing on the property shall be either sloped granite or vertical granite;
3. The stormwater management plan shall contain a note stating that the parcel is subject to the City of Manchester's right to drain water runoff from Dubisz Street onto and over the property, pursuant to an easement recorded at the Hillsborough County Registry of Deeds at book 4967, page 0035;
4. The lighting plan and details shall be revised to reflect that the light poles in the limited-activity buffer shall not exceed 10 feet in height, pursuant to Article 6.08 of the Manchester Zoning Ordinance;
5. All rooftop equipment shall be screened from view;
6. One year from the issuance of the first certificate of occupancy, the applicant shall review the impacts of the development on the intersection of Sundial Avenue and Queen City Avenue by conducting traffic counts for two a.m. weekday hours and two p.m. weekday hours to determine the peak morning and peak weekday hours. If necessary, the applicant shall work with the Highway Department to adjust the signal timing of the intersection;
7. All material changes to the approved plan, including the signs and elevations, shall be reviewed by the Planning Board at a public hearing;
8. A statement signed by the owner shall be added to the plan stating, "It is hereby agreed that, as the owner of the property, I will construct the project as approved and as shown on the enclosed set of plans. Further, I agree to maintain the site improvements for the duration of the use";
9. The applicant shall work with the Highway Department and Planning Department to design a safe crosswalk and receiving area on lot 435-9, including a "pedestrian crossing" sign;
10. The applicant shall submit easement documents for the two encroachments over the property line for review by the Planning Department prior to final approval; and
11. A certificate of occupancy shall not be authorized until all site improvements have been completed, unless addressed by meeting the requirements of Section 6.4(J) of the site plan regulations.

7. CU-01-2015

Property located at 470 Pine Street (Tax Map 7, Lot 1), an application for a Conditional Use permit to allow other business and professional offices and offices of health care practitioners and outpatient health care within the C-1 Zone. Tom Deblois for Tokena Corp.

Mr. McCue made a motion to approve CU-01-2015, which was seconded by Mr. Roy.

Mr. O'Brien said his only concern with this one is that he hasn't seen the inside of the building so he doesn't know what type of character it has. Not too long ago they were doing the Citizens Bank on Elm Street and they asked them if they were able to re-establish any of the original character of the building and they said everything was ripped out. He asked if the Historic Preservation Commission has had an opportunity to comment on this. Mr. Clement said it is just the general classroom areas. There is nothing outstanding on it. There is tongue and groove wainscoting four feet up the wall. The rest of it is plaster walls. There are transoms over the doors. He did not believe there were tin ceilings.

Mr. O'Brien asked how bad it is going to be mutilated. He said the building was built in 1920 and is over 50 years old. It is able to be on the National Register for Historic Places. One of his biggest criticisms about this City is that they don't preserve any of their history. Everything was ripped out in the 1970's and it is all with giant shame. He doesn't want this building to be the same thing. He said Mr. Deblois doesn't really know what he is doing because he doesn't know his tenants. He stated that Mr. Deblois said the hallways were too big and if he starts ripping down walls to get a normal four foot hallway he is going to ruin the inside of that building. He doesn't think this Board really has the ability to put those restrictions on him. Mr. Clement said it is not in this Board's purview.

Mr. O'Brien asked if the Board is able to hear from the Historic Commission. Ms. Goucher advised that the Heritage Commission is charged with weighing in on demolition permits and exterior changes to certain buildings within the AMX District. It does not extend to all historic buildings in the City. This wouldn't go before them as it is not in a district that is covered by the Heritage Commission.

If the Board would like, Ms. Goucher said she could certainly express to Mr. Deblois the concern some Board members had with what he is doing internally and that there is a concern about ripping out wainscoting and some of the historic details of the building. She doesn't think it would be binding, but she could at least express that to Mr. Deblois. Mr. O'Brien said he would love to stress the issue. Chairman Harrington advised Mr. O'Brien that his point was well taken and asked that staff express those concerns to Mr. Deblois.

There was no further discussion and the Board proceeded to vote.

(Motion Carried)

7. CU-01-2015

Property located at 470 Pine Street (Tax Map 7, Lot 1), an application for a Conditional Use permit to reduce required parking by eight spaces within the C-1 Zone. *Tom Deblois for Tokena Corp.*

Mr. Guerra made a motion, which was seconded by Mr. Boissonneault, to approve CU-02-2016. (Motion Carried)

IV. ADMINISTRATIVE MATTERS:

1. Review and approval of the Manchester Planning Board Minutes of December 17, 2015, January 7, 2016 and January 21, 2016.

Due to the length of the meeting and the late hour, review of the Minutes was tabled until the next meeting.

2. Any other business items from the Planning Staff or Board Members.

Manchester Subaru, Second Street

Ms. Goucher passed out a letter to the Board from John Kasinovich, the attorney for Todd Berkowitz at Subaru. There are some things in the letter that she thought the Board would be concerned with. She informed the Board that, in the letter, the attorney is asking that the applications for which Mr. Berkowitz previously asked for a postponement now be withdrawn and that the fees be refunded to him.

The Board took a few moments to read the letter.

Chairman Harrington advised that the Board is going to have to take an action on whether or not they want to refund Mr. Berkowitz's money. Mr. Roy said that the staff has already done the work that the fees covered.

Mr. Roy said once again there is somebody who went and did whatever they wanted and came in and asked for forgiveness, which he didn't get from the ZBA, and now he wants his money back.

Ms. Goucher advised that the letter was sent to the Department's Director, Leon LaFreniere and to the Mayor. She believed the letter was received on Friday. She spoke to Leon because the letter came in to him while he was on vacation. Leon requested that it be distributed to the Board because Mr. Kasinovich was basically stating some inaccuracies about actions the Board did or did not take. Further, the attorney is indicating his concern that the staff for some reason may harass the applicant. Chairman Harrington thought that what Mr. Kasinovich is referring to is that his client is still in violation of the lot

coverage so there is the potential that the City will go and fine him or make him put the landscaping back in place.

Chairman Harrington said it would be his recommendation that they respond to Mr. Kasinovich that they are not going to refund his money.

In answer to the Board's question, Ms. Goucher said she wasn't sure how much they paid but it might have been approximately \$15,000 because it involved two site plans, but she would check. She said the last time someone asked for their fees back, the City Solicitor advised the Board that they may be setting a precedent if they returned fees. In answer to a comment made by Alderman Levasseur, she said the City solicitor doesn't have any role in whether or not the Planning Board refunds monies.

Mr. McCue thought the Board should send a letter back saying that they are taking his request under advisement.

Chairman Harrington asked if he came back before the Board if he would get a credit. Ms. Goucher said perhaps if it was the same plan. The Chairman said it would have to be a new plan because the Board didn't accept the first one.

Ms. Goucher said the applicant advised that he was officially withdrawing the plans. She asked if the Board is acknowledging that he has withdrawn the plans. It was the consensus of the Board that they were. Ms. Goucher advised that the fees are charged for the review work done by City staff to get it to the Board.

Alderman Levasseur made a motion that whereas the staff has already put the work into reviewing the plan for the benefit of the Board that the fees not be reimbursed, which was seconded by Mr. O'Donoghue. (Motion Carried)

Budget Gas, South Willow Street

Ms. Goucher brought forward a request from the applicant to discuss the Budget Gas plan on South Willow Street. What was originally approved by the Board was the removal of the old building and the construction of a new larger building under the canopy. Nothing changed with the fuel pumps except that the ones closest to the new building would become one-sided fuel dispensers instead of two-sided. This proposal increased the building size to a 1,300 SF building from a 300 SF building and it reduced the fuel dispensers from eight to six, which required 10 stacking spaces – the requirement for fuel dispensers - plus additional parking for the convenience store. There were no real site changes originally proposed. The Board didn't ask them to do anything with the site or with curb cuts as they represented that these gasoline dispensers were to remain. She said the Board asked them to put in a few plants.

Ms. Goucher said they did most of this work about a year ago and the staff and the Board kept wondering when they were going to be ready to open. The only thing they hadn't done per the approved site plan was finish the lighting changes under the canopy as far as she could tell. The inspectors went by last week and noticed that the whole site was dug up. Mr. Clement stated that he thought the old tanks were probably removed.

Ms. Goucher said they are now in the process of doing work without permits although in a meeting this morning the applicant seemed to indicate that they thought there was some misunderstanding and that they had gotten approval for additional pumps. She pointed out on a plan where they were planning to put in other fuel dispensers, which would require them to have 15 parking spaces for stacking. A cease and desist order was issued. This morning, the staff met with Mohamed Mobeen, Babar Khan and Mike Lopez and they expressed their desire to keep going as they are going to lose thousands of dollars because the contractor is going on to another job. Ms. Goucher advised that she could not approve continuing the work while they prepared a plan for the Planning Board. She told them all she could do was bring the proposed change to the Board's attention and see if they would want to delegate the work to the staff in lieu of going back to the Board.

It was the consensus of the Board not to delegate this to staff.

Mr. Goucher advised the Board that she told the applicant this morning that if the plan with more pumps had come to the Board initially, with additional site work, the Board may have looked closer at the curb cuts as there is additional stacking that now encroaches into those areas.

Mr. Guerra asked if they could be told to put the site back the way it was approved.

Mr. Roy said obviously this is not the plan the Board looked at and approved. He asked how they misunderstood. He asked if the Board did something wrong. Ms. Goucher said what she found in the permit file was a plan that showed the building with all the dimensions and all the specifics for the building. Ms. Goucher said the permit she found was specifically issued for the building shell.

Mr. Roy asked if the plan that is in the file is the one that they submitted for the building permit. Ms. Goucher said the applicant was under the impression that when they talked to Karl Franck that he knew there were additional pumps but she doesn't understand that part of their explanation.

Mr. Guerra asked if the new configuration won't work with the curb cuts. Ms. Goucher said instead of the pumps being in the middle (on the ends) and there being only two, they are now proposed on the ends and there are four so the stacking required by the regulations is greater.

Mr. Roy asked if they replaced the tanks. Ms. Goucher said they did not, but she found a permit at 5:00 tonight that looked like they were asking to remove a 1,000 gallon tank. She said she needs to look into that further tomorrow. She told all the players at the table today that the only thing she could do was bring it to the Board tonight.

Mr. Guerra asked if they could be asked to bring back their new plan at the next meeting. Ms. Goucher advised that she told them they would have to come back for a public hearing but they don't want to wait until the next meeting of March 3rd.

Chairman Harrington advised that it was the consensus of the Board that they needed to come back before the Board.

Chamber of Commerce

Ms. Goucher handed out a letter received from Mike Skelton of the Chamber of Commerce. Chairman Harrington advised that at this point they will receive and file the letter.

Mr. Guerra made a motion to adjourn, which was seconded by Mr. O'Donoghue. (Motion Carried)

ATTEST: _____
Michael Harrington
Chairman, Manchester Planning Board

APPROVED BY THE PLANNING BOARD: March 3, 2016

With Amendment
 Without Amendment

**The above minutes are a summary of the meeting and are not intended to be verbatim.
Audiotapes are available in the Planning and Community Development office for a limited time.**

Transcription by Lori Moone, Planning & Community Development.