



Outlet mall on its way

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MERRIMACK – Shoppers just got a step closer to getting an outlet mall in the southern end of the state.

The planning board last night unanimously approved a conditional-use permit for a 135-store Chelsea Property Group outlet mall on 170 forested acres on Industrial Drive, near Exit 10 of the Everett Turnpike.

The \$100 million project is expected to take 18 months to build.

Chelsea representatives Danielle DeVita and Mark Silvestri stood outside the boardroom after the vote. DeVita said the approval was a significant step for the developer and solidified the commitment of the developer to the town.

"It has been a rough couple of months," DeVita said. "We did a lot with this permit process, and I think the board felt they had what they needed to vote tonight. I am very excited."

Chelsea is a New Jersey-based developer and subsidiary of the publicly traded Simon Property Group. It operates outlet malls in Wrentham, Mass., Kittery, Maine, and Woodbury, N.Y.

Merrimack Premium Outlets would host stores such as Burberry, Coach, Calvin Klein, Banana Republic, J. Crew, Gap, Polo Ralph Lauren, Reebok, Nike and Sony. The mall is projected to add 1,160 part-time and 250 full-time jobs at an average pay of \$24,294 a year for a 40-hour week; the town's tax base would be expanded by \$867,751, according to one estimate.

The application for a conditional-use permit required independent studies on traffic, environmental and fiscal effects of the mall on the town, and it took more than a year.

The approval of the permit indicates the board sees the project as a significant contribution to the town and supports the project in principle. Chelsea can now submit a detailed site plan application; the planning board is required to rule on the application within 65 days.

Silvestri said his company would submit a site plan within a month.

Planning board member Alastair Millns said significant concerns remain to be considered during the site plan process, including water supply, blasting impacts and analysis by the New Hampshire Department of Transportation of the mall's potential effect on roadways.

Chelsea began pursuing a bid to build in town in late 2004. The town advanced a zoning ordinance to a town ballot in April 2005 to allow a conditional overlay for the outlet mall in an industrial-zoned district on the Industrial Drive site.

Townsppeople supported the article by 55 percent, but a group of abutters, the Concerned Citizens of Merrimack Alliance, began to fight the project and brought a protest petition bearing signatures of landowners abutting the property.

Town officials said the petition demonstrated sufficient opposition from owners of 20 percent of abutting property and retroactively required a supermajority vote.

Chelsea filed a lawsuit against the town in 2005, and a Hillsborough County Superior Court judge sided with the developer. It required town planners to take up review of a conditional-use permit application.

The court ruling was followed by two years of emotionally charged meetings and opposition from abutters, who challenged virtually every assertion from consultant studies on economic, environmental and traffic effects.

Town attorney Matt Upton and Chelsea attorney Morgan Hollis now need to come to terms on a developer's agreement that defines the ongoing commitments of the developer. Chelsea has signed a purchase and sales agreement to buy 170 acres from Tom Monahan; details have not been disclosed. Monahan has owned the land for 12 years.

Concerned Citizens of Merrimack Alliance leader Jamie MacFarland said the application did not meet the requirements of the permit process because it had not demonstrated a fiscal benefit to the town or protections against an "unreasonable impact of noise."

MacFarland said the vote was "staged" and questioned why it came within an hour.

The abutters will meet next week to discuss the next steps that are appropriate, he said.

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