

**MERRIMAC PLANNING BOARD, FEBRUARY 5, 2019**  
**Approved As Amended**

**CALL:** Chairperson Sandra Venner called the meeting to order at 7:08 PM

**APPROVAL OF MINUTES:**

**ATTENDANCE:** The Chair, Vice Chair Karol Flannery and Member Keith Pollman. Members Dennis Brodie & Arthur Amirault absent.

1. January 15, 2019: **Motion:** To waive the reading of the minutes of January 15, 2019 and approve with 3 typos corrected. **Vote: 3 Yes / 0 No. Motion approved.**

**OLD BUSINESS:**

**1. PROJECT UPDATES:**

**A Regency Village:** Foundation poured for office building on commercial lot. Foundation for the Club House for the apartments will be poured this week. Club house will be located between the two buildings.

**B BeWell Organic:** The Building Commissioner will contact owners to better secure the building.

**2. PPOPLAR HILL CIRCLE: Partial return of bond.** At the board meeting of January 15, 2019, the Building Commissioner recommended that all but \$5,000.00 (five thousand) of the original \$75,235.00 (seventy-five thousand two hundred thirty-five) be returned to Poplar Hill Development LLC. He feels the remaining work to be completed in the spring will be more than adequately covered by the \$5,000.00 retained in the account. **Motion:** To return to Poplar Hill Development LLC \$70,235.00 (seventy thousand two hundred thirty-five). The remaining 5,000.00 (five thousand) will be retained until all work is completed to the satisfaction of the Commissioner and the Board. **Vote: 3 Yes / 0 No. Motion approved.**

**3. RETURN OF ESCROW BALANCES: (1) Motion:** To return the remaining escrow balance and close the account for 106 East Main Realty LLC (Freedom Way Development) in the amount of \$5,915.92. The project has been approved and completed. **Vote: 3 Yes / 0 No. Motion approved.**

**(2) Motion:** To return the remaining balance of \$6,843.44 in the escrow account for the Lily Village Plaza Project, 118 East Main Street, and close the account. The amount will be returned to Armor Development LLC. **Vote 3 Yes / 0 No. Motion approved.**

**4. OSRD DRAFT BY-LAW LANGUAGE:** Chair Venner presented the draft language for a Zoning By-law Amendment to be presented to the Annual Town Meeting. She and Commissioner Sinibaldi have developed language that hopefully will solve the problem of accessory structures in this zone; such regulations were not included in the by-law rewrite of 2004. This has created an ongoing problem particularly at the Poplar Hill Development which has the smallest lot size of any of the existing OSRD projects in town. A survey of the lot sizes shows a majority have lot sizes of 1/2 to 1/3 acres, while some Poplar Hill homes are on lots less than 13000 square feet and all have frontage of only 70 to 80 feet. The language would be for projects going forward, making all lots at least 1/2 acre with a minimum of 100 feet of frontage. Minimum front yard setbacks of 20 feet, rear and side yard setbacks of 10 feet. **Motion:** To approve language as presented by the Chair and request place holders on the Annual Town Meeting Warrant. **Vote 3 Yes / 0 No Motion approved.** The BOS will be notified of the request for a place holder for a Zoning

Amendment on the meeting warrant, and provide the article language following the necessary Public Hearing. The date for this hearing will be set at the next Planning Board meeting.

**SITE PLAN REVIEW MERRIMAC POLICE STATION, 106 WEST MAIN STREET:** At 7:22 PM the Chair opened the Public Project Meeting by explaining the SPR procedure and introducing the SPR Committee which includes the Planning Board, Commissioner Sinibaldi and Conservation Commission Member Jon Pearson. Also attending, Janet Bernardo, PE, Horsley Witten Group.

Attending for the applicant were William Murray, ASLA, Place Associates Inc., Greg Carrell, Building Design/ Architecture, and Eric Shears Merrimac Police Chief and Chairman of the Merrimac Public Safety Building Committee. The project consists of the construction of a 9,000sf. Police station, a 2,400 sf., building and related infrastructure located to the south of West Main Street and accessed by Jana Way on a 9.78-acre lot., in the Rural Highway Zone. The municipal use is "by right".

William Murray presented the proposal. The applicant is requesting two waivers: 1. Parking Criteria: Due to the nature of the building it is requested that parking for all public vehicles be in the front and to the side of the building, while all department vehicles will be in the rear, for safety concerns. Also 2. The landscaping will be minimal, in order to allow for clear visibility from West Main Street to allow the public to easily recognize the facility as a Police Station. The displayed rendering of the building show trees and some low bush type vegetation near the front foundation of the building. **Motion:** To waive the front landscaping criteria but strongly urge the Committee to leave the trees shown on the rendering to remain. **Vote 5 Yes/ 0 No. Motion approved.**

The Building Committee has also requested all fees and escrow deposit requirements be waived for the project. The billing for required engineering peer reviews, and other necessary expense be billed instead directly to the Merrimac Public Safety Building Committee. **Motion:** To waive the usual filling fees and the escrow deposit and bill all other charges to the Merrimac Public Safety Building Committee. **Vote 3 Yes / 0 No Motion approved.** The applicant has also applied to the ZBA for the Zoning Criteria waivers.

The Committee desires a ceramic coated metal roof for longevity, this type of metal roofing is designed for clean runoff, which will not impact the stormwater management plan. (Maintenance manuals will be provided to the Merrimac DPW.

The site will also include two means of egress from West Main Street, via Jana Way, and a separate access drive to the north-east in the rear for Police Vehicles only. This drive will be clearly marked as not a public access. A large storage building, garage area will be used for vehicle maintenance and storage of various materials. A traffic study was not necessary as any impact will be minimal as 80 to 90 % of calls are responded to from cruisers on the road.

An Oversight Project Manager for the Town will be on site during all phases of the construction project. Following the presentation, the floor was open to questions and discussion by attending residents and interested parties.

The board voted to only close the Public Project Meeting and will vote upon the conditions of the SPR following a draft decision to be prepared by Ms. Bernardo, Horsley Witten, containing all usual conditions, that the long term Maintenance Manual is provided to the DPW and after the ZBA hearing and Conservation Commission Requirements are met. **Motion:** To close the Public Project Meeting at 9:20 PM. **Vote 5 Yes / 0 No. Motion approved.**

**NOTE:** The application containing the facility details and drawings, maps and stormwater Management are available for viewing at the Planning Office during regular business hours.

**NEW BUSINESS:**

**1. Kevin Groden/ Bonding Abby Road:** Mr. Groden and his Attorney Paul Gaglardi came before the board to request the covenant not to convey lots, be exchanged by a tripartite agreement as surety for the completion of the project. The estimated amount for completion of all off-site DPW and onsite Planning Board required infrastructure agreed upon is \$240,000. This amount will be secured with a tripartite agreement by mortgages to be held by Enterprise Bank in the above amount. Mr. Groden will continue to pay the Town \$12, 500.00 for each lot closing, to cover offsite infrastructure. Commissioner Sinibaldi was concerned with using Enterprise, as problems had arisen on another project in the past. He requested that everything be spelled out with assurances that the process will cover all outstanding issues. The applicant was told to go ahead with the paperwork and allowed Attorney Gaglardi to contact Finance Director Carol McLeod for permission to contact KP Law to review the contract for board approval. **Motion:** To have the tripartite agreement prepared in the amount of \$240,000.00 (two hundred forty thousand) by Enterprise Bank; which will result in the release of lots #1,7,9 &13. Lot 11 will continue to be held for Conservation, approval to be conditioned upon the approval of the agreement by KP Law, Town Counsel. **Vote 3 Yes / 0 No. Motion approved.**

**2. Special Permit, 3 A Central Street Hearing Date:** The board has set the date to open the Public Hearing for a Special Permit for multi-family housing to be located at 3A Central Street for March 5, 2019. The applicant expects to be heard on Monday night by the ZBA for variances needed to proceed.

**CORRESPONDENCE:**

**1. WARRANTS:**

**A Motion:** To approve Horsley Witten invoice # 44117 in the amount of \$382.50 Poplar Hill Circle for observation and report. / **Vote: 3 Yes 0 No Motion approved.**

**B Motion:** To approve Horsley Witten invoice #44132 in the amount of \$290.00 for BeWell Organic, 17 Broad Street. **Vote 3 Yes / 0 No Motion approved.**

**C. Motion:** To approve a bi-weekly payroll in the amount of 4276.50 for Assistant Pat True. **Vote 3 Yes /0 No. Motion approved.**

**2. APPEALS BOARD**

**A. Petitions:** Merrimac Police Station, West Main Street, Variance

**B. Decisions:** None filed at posting.

**3. COMMUNICATIONS, NOTICES & ANNOUNCEMENTS:**

**A. Surrounding Towns:** 1. Haverhill and 2. West Newbury, no board action needed.

**B. Next Meeting Date:** March 5, 2019

**ADJOURNMENT: 9:45 PM**