

MERRIMAC PLANNING BOARD, FEBRUARY 28, 2017

APPROVE MINUTES AS AMENDED

CALL TO ORDER: Chairperson Sandra Venner called the meeting to order at 7:37 PM

ATTENDANCE: The Chair, Vice Chair Ronald Barnes, Members John Thomas, Karol Flannery and Alternate Keith Pollman in attendance. Member Dennis Brodie absent.

APPROVAL OF MINUTES:

1. **Motion:** To waive the reading of the minutes of January 17, 2017 and approve as presented. **Vote: 3 Yes/ 0 / No /1 Abstain. Motion approved.**
2. **Motion:** To waive the reading of the minutes of February 7, 2017 and approve as presented. **Vote 3 Yes / 0 No / 1 Abstain. Motion approved.**

**OLD BUSINESS:**

**1. PUBLIC HEARING CONTINUED: ALTERNATIVE THERAPIES, 17 BROAD STREET:**

The Chair opened the continued Public Hearing at 7:40 PM with the introduction of Board Members. Attorney Philip Parry, Legal Representative for the applicant and Christopher Edwards, Executive Director of Alternative Therapies, presented the project. Attorney Parry informed the board that the Zoning Board of Appeals, (ZBA) had confirmed and approved the prior approved variances that had lapsed and that the decision was filed with the Town Clerk and the appeal period was running. The ZBA was, however, concerned about the parking especially for the staff. Attorney Parry reported they have been in communication with the Board of Selectmen regarding the use of a portion of DPW property abutting the proposed building, (Salt Shed location) and presented the board with a sketch of a parking area. This would allow 8 spaces for staff which is felt to be adequate. The arrangements regarding the use of this municipal property would be up to the Board of Selectmen (BOS) to complete. The applicant would light the area at their expense and Mr. Edwards explained that his security would see that clients did not park in these spaces or on area streets, this issue has been a great concern to the abutters.

While Mr. Edwards was informed that the site was in a zone for which retail and commercial was not allowed, it was also established that since no one could guess how the recreational industry regulations would be resolved, and what new laws might be established, it could be possible that the town would have to redo some aspects of zoning; our permit would be for Medical Marijuana sales only, as this was a Special Permit Use allowance for the Office Light Industrial District at this time.

Janet Bernardo, P.E., Horsley Witten went over her review of the project and had found that Basically the stormwater design meets the DEP regulations, although they will need to seek an extension of the Order of Conditions from Conservation. There are several minor items needing to be addressed, including DWP comments, a ramp and a dumpster location issue (See Horsley Witten Review issued Feb. 23, 2017). Mr. Edwards stated that they did not have time to issue a written response to the Horsley Witten Review but would have this ready next week and would forward this to the board and MS. Bernardo.

In response to an abutters question regarding hours, Mr. Edwards explained that the range of hours was spelled out in the Host Agreement. (See Host Agreement submitted in application packet)

The board continued the hearing to March 21 at 7:35 PM at which time they will return After the appeal period with the ZBA Decision, the outstanding Stormwater response and the BOS agreement related to parking. The board stated that parking for employees was necessary for

permitting. **Motion:** To continue the Public Hearing for Alternative Therapies for a Medical Marijuana Dispensary, located at 17 Broad Street. **Vote 7 Yes / 0 No Motion approved.\***

2. **PUBLIC HEARING CONTINUED: Lily Plaza, 118 East Main Street:** P.E. Robert Blanchette, Cammett Engineering, presented for the applicant of the mixed commercial residential project. He noted that the sewer line shown on the revised plan would have to be moved back to the original configuration as the new location would place it within Zone A. This was noted by the Conservation Commission. Janet Bernardo, HW found the applicant to be in good shape. A few conservation issues were still outstanding when the report was generated, but following the approval of the ZBA variances requested by the applicant much would be compliant. Mr. Blanchette stated that he was not sure if any decision had been filed or if the petition had been approved, he did say that the most of the requests had the support of the board. He will contact Kathy Marshall in the morning and find out what was still needed to complete the process. He showed the board renderings of the commercial and residential properties and the proposed sign, which fits the sign requirements as to size and form.

A major issue with the DPW and the Fire Department was the size of the Water Main along Rte. 110 and the fire flow. Robert Sinibaldi, DPW Director stated that he was satisfied with the upgrade the applicant will be doing to the Main. The board has not heard from Chief Spencer at this time. The road will be constructed to sub-division standards but of smaller scale and will remain private. The DPW will however need an operations maintenance manual for the project at completion. Engineer Blanchette stated that the MA Highway was not concerned with the line of site for entering or exiting the property but did want a change from the granite curbing currently on the plan. The have written comments from MA Highway which they will forward to the board. It was also reported that the Cemetery Department no longer needs the opening in the rear portion of the stone wall and that is area may be rebuilt.

The hearing was continued to March 21, 2017 at 8:30 PM. At which time the applicant will have contacted the ZBA and have more information on the status of the variances necessary for the project to go forward. **Motion:** To continue the Public Hearing for the Special permit and SPR for the mixed use Lily Plaza proposal located at 118 East Main Street to Tuesday March 21 at 8:30 PM at Town Hall. **Vote 5 Yes / 0 No Motion approved.**

### 3. PROJECT UPDATES:

- a. **Abby Rd.** Commissioner Sinibaldi reported that the work on the water & sewer line perhaps would begin in late March, on site work would resume in April.
- b. **Freedom Way:** The project is all but completed, there are only 2 units left for sale in the development. There is still work needed to solve the ponding problem and it is thought that super paving will be done to solve the entrance paving issue.
- c. **Poplar Hill:** Some issues with foundations need to be solved inspections such begin again in April.
- d. **Quail Ridge:** It was suggested that certified letters go to both Ralph & Bob Messier regarding the escrow situation as an April deadline was made regarding the site visit for completion plans.
- e. **Regency Village:** Reported that soil sampling had been done and the bridge design completed and going out to bid. They hope to have all the roadway completed by the

end of summer 2017 and building permits issued spring of 2018. It is unknown if they have the State Road Opening Permit as yet.

**NEW BUSINESS:**

1. **ETHICS REQUIREMENTS:** Board members were reminded that they must complete the Ethics Commission Training to be in compliance with the Open Meeting Law. All members received a copy of the link to the training by email.

**CORRESPONDENCE:**

1. **WARRANTS:**

a. **Motion:** To approve a payroll warrant for Clerk Pat True in the amount of \$ 225.84.  
**Vote 4 Yes / 0 No Motion approved.**

2. **APPEALS BOARD:** No Petitions or decisions pending for review.

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

a. The board approved the purchase of necessary office supplies including paper, staples And plastic storage bins, not to exceed the expense allowance.

b. The board approved the attendance of Keith Pollman, Alternate and Clerk Pat True to Attend the CPTC conference on March 18 at Holy Cross in Worcester. **Motion:** To approve the reimbursing of Member Pollman and Clerk True for the \$70.00 each for the conference registration and courses at the CPTC conference and to reimburse Mr. Pollman for mileage. **Vote 4 Yes / 0 No Motion approved.**

c. The next meeting will be February 21<sup>st</sup> at 7:30 PM and will include the Continuation of The Public hearing for 128 West Main Street and a conceptual plan for R Locust Grove Rd.

\*M. Edwards also met with the BOS regarding the possibility of changing the Host Agreement to allow for the possibility of the sale of recreational marijuana as it appears that the possibility of a recreational establishment would adversely affect their business and they need to be ready for this possibility. The legislature is currently looking at many different regulations and it is impossible to tell how and with what restrictions the law will contain in the end. There is also the possibility of Federal action under the new administration. (See minutes BOS meeting 02/27/17).

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**ADJOURNMENT: 10:15 PM**