

**MERRIMAC PLANNING BOARD, MARCH 5, 2019**  
**APPROVED MINUTES**

**CALL TO ORDER:** Chairperson Sandra Venner called the meeting to order at 7:04 PM.

**ATTENDANCE:** The Chair, Vice Chair Karol Flannery Members Dennis Brodie, Keith Pollman, and Arthur Amirault. Also in attendance Special Permit Alternate Tom Abisalih and Site Plan Review Committee Members Robert Sinibaldi, Building Commissioner and Jon Pearson, Conservation Representative.

**APPROVAL OF MINUTES: Motion:** To approve the minutes of February 5, 2018 with an amendment showing the correct attendance of members at that meeting, **Vote: 3 Yes / 0 NO / 2 Abstain. Motion approved.**

**PUBLIC HEARING, SPECIAL PERMIT, 3A-5 CENTRAL STREET.** The Chair opened the hearing at 7:15 PM. She introduced Attorney Philip Parry to present for the applicant a revised plan for the parcel. The application submitted for multi-family housing, would have required approval by the Zoning Board of Appeals. The applicant was to appear before that board on 03/04/19, however, a lack of quorum at that meeting, caused the ZBA to continue that hearing to April 8, 2019. Attorney Parry, with ZBA permission, met with residents in attendance at the hearing to informally discussed a revised plan showing a duplex and one single family home being built, a much smaller project then originally proposed, which is viewed in a more favorable light by the abutters.

After this discussion, it was decided by the applicant to submit a revised plan to both the ZBA and the Planning Board. The new plan would require variances from the ZBA, but would no longer require a Special Permit from this board. Attorney Parry on behalf of the applicant, requested that this hearing for A Special Permit be continued to the Planning Board meeting of May 7, 2019. He feels that this will give his applicant the time necessary to have formal plans made for the continued ZBA and Planning Board action on the new proposal. He did however present a draft sketch of the now proposed 3 units of housing. A hand delivered a letter to the Planning Office earlier in the day containing a request for the continuance to a date subsequent to April 8, 2019 and that instead of a formal presentation he would request at the hearing the above continuance. (See letter dated March 5, 2019 and draft sketch of the revised plan on file in the planning office.) Vice Chair Flannery, with a second from Member Pollman, put the following motion before the board and SPR Committee. **Motion:** To continue the Public Hearing for a Special Permit, with SPR for multi-family housing to be constructed at 3A-5 Central Street be continued to May 7, 2019 at 7:15 PM in the second floor meeting room of Merrimac Town Hall. **Vote: 5 Yes / 0 No / Motion approved.** The hearing was recessed at 7:39 PM to be continued on May 7, 2019.

(The Chair introduced and welcomed Thomas Abisalih as the newly appointed Alternate for Special Permits.)

**OLD BUSINESS:**

**1 Project Updates:**

- a BeWell Organic Medicine, 17 Broad Street.

Commissioner Sinibaldi reported that the building was now more properly secured, that interior work on plumbing has begun, and that the floor would be poured within the next few weeks. Also that the security plan would be delivered to Police Chief Shears as required

2 **Mylar's/ Regency Village SPR:** The board and SPR Committee signed the Mylar's for recording of the approved SPR Modification for Regency Village Commercial 106 West Main Street.

3 **Tripartite Agreement, Abby Rd.,** will be continued to the next meeting, awaiting the completed review by Town Counsel before board action.

4 **SPR DECISION, POLICE STATION:** The draft decision has been received from Horsley Witten, however Commissioner Sinibaldi and Conservation Representative Pearson have suggested a change. The decision has the OPM for Merrimac providing overall oversight, rather than Horsley Witten, as is the usual procedure. The Commissioner wishes to have HW oversight on the following items in the construction phase: stormwater, the as-builts, operation manual, and Conservation wishes to have their documents reviewed by Horsley Group also. The chair will have Janet Bernardo place this wording within the decision. **Motion:** To approve the Site Plan Review Decision upon the additional wording regarding oversight of several areas as requested by the Building Commissioner and Conservation Commission. **Vote: 5 Yes / 0 No / 2 abstain. Motion approved.**

#### **NEW BUSINESS**

1. **ZONING AMENDMENT PROPOSAL/ PUBLIC HEARING DATE** The Commissioner has proposed an amendment to **ARTICLE 17 ACCESSORY DWELLING UNITS** by a new sub-section 17.3.5 **DESIGN** and renumbering the current 17.3.5 to 17.3.5.1 dealing with egress & access to these dwelling units. The change is being requested in order to enforce the intent of these dwelling units to be part of a single family home, an application had come forward proposing that an in-law apartment be added to the garage of such a home and then the addition of a garage to that unit for the new unit, basically this is now a 2 family home. The intent was to allow these units but keep the exterior of the home as a single family dwelling. The current wording is not within keeping of the intent. The ingress, egress & access portion of the by law does not adequately address the need for all entrances and exits to be enclosed within the walls of the structure, allowing, unheated breezeways to be allowed. The wording of the proposal still requires some additional wording, so the board will allow Commissioner Sinibaldi to tweak the language and will allow the amendment, as refined to be included with the previously board approved language to amend ARTICLE 15 which was voted at the February meeting. Commissioner Sinibaldi will provide the proper language to the clerk for submittal to the BOS for the Annual Town Meeting. The clerk will notify the BOS of the desire of the board to hold two places on the warrant for zoning amendments prior to the March 8<sup>th</sup> deadline. **Motion:** To schedule the Public Hearing for amending Article 17 and Article 15 of the Zoning By-law to held on April 2, 2019 and to notify the Board of Selectmen to their wish to place these two articles on the Annual Town Meeting Warrant. **Vote: 5 Yes / 0 No Motion approved.**

**2. LTA HOURS:** The board has received a request from the Open Space Committee to use 14 hours of Local Technical Assistance from Merrimack Valley Commission, in order to complete two maps for the Open Space & Recreational Plan Update. MVPC Commissioner John Thomas has also approved the use of these LTA hours, which have not been and will not be needed by the board this year. The board approved the use.

**CORRESPONDENCE: 1. WARRANTS:**

**a. Motion:** To approve an invoice in the amount of \$378.76 from North of Boston Media Group for Legal Ads published according to law twice for the Public Hearing for a Special Permit for Mary Cormier Inc. for 3A Central Street. **Vote: 5 Yes / 0 No Motion approved.**

**b. Motion:** To approve a Planning Board Invoice #004FY19 in the amount of \$308.25 to reimburse Assistant Pat True for the cost of the abutters certified mailing for the above Special Permit. Vote: 5 Yes / 0 No **Motion approved.** \*

(\* **Note:** Above invoices will be paid from the escrow account set up for this purpose by the applicant and not from board expenses.)

**c. PAYROLL: MOTION:** To approve 2 bi-weekly payroll warrants in the amount of \$ 316.64 for the period 2/9/19-2/22/19 and a biweekly payroll in the amount of \$237.48 for 2/23/19- 3/8/19. **Vote 5 Yes / 0 No Motion approved.**

**2¶ APPEALS BOARD:** No petitions or Decisions received.

**3. COMMUNICATIONS, NOTICES & ANNOUNCEMENTS**

**a. Surrounding towns: No action needed.**

**b. Confirm next meeting dates as**

**1. April 2, 2019 (Public Hearing, Proposed Zone amendments)**

**2. May 7, 2019 (Continuation of Public Hearing 3A-5 Central St.)**

**c. Meeting Dates:** Since the board has not met on the scheduled 3<sup>rd</sup> Tuesday, it was decided that in the future one meeting a month be scheduled for the 1<sup>st</sup> Tuesday and the second Tuesday will only be scheduled as necessary. Also that the Administrative Assistant will send a reminder for a regular meeting date one week in advance of that date.

**ADJOURNED 8:21 PM**