

MERRIMAC PLANNING BOARD, MAY 7, 2019

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

ATTENDANCE: The Chair and Members Keith Pollman and Arthur Amirault in attendance at the call. Vice Chair Karol Flannery arrive 7:06 PM. Also in attendance SPR Members Robert Sinibaldi & Jon Pearson and Alternate Tom Abisalih.

APPROVAL OF MINUTES:

1. **Motion:** To waive the reading of the minutes of April 2, 2019 and approve as presented. **Vote:** 3 Yes/ 0 No **Motion approved.**

BOARD REORGANIZATION: Motion: Following the Annual Town Election on May 7th the board will cast a vote for the following slate: Chair Sandra Venner, Vice Chair Karol Flannery, MVPC Representative John Thomas, Affordable Housing Trust Representative Sandra Venner and Special Permit Alternate Thomas Abisalih. **Vote: 4 YES/ 0 NO Motion Approved.** The board will request that the Board of Selectmen again appoint Mr. Thomas as Merrimack Valley Planning Commission Representative and Mr. Abisalih as the Alternate for Special permits.

OLD BUSINESS:

1. **7:15 PUBLIC HEARIG: Recessed Hearing for a Special Permit for multi-Family 35 Central Street.** Attorney Philip Parry, representing the applicant has requested a continuance of the hearing to the June meeting. MOTION was made and seconded to resume the hearing to June 11, 2019 at 7:15 PM at Town Hall. **Vote: 4 YES/ 0 NO Motion approved.** Motion: To recess at the Public Hearing at 7:18 to resume at 7:15 on Tuesday June 11, 2019. **VOTE 4 YES/ 0 NO Motion approved.**

2. **MYLAR ENDORSEMENT SPR POLICE STATION:** Commissioner Sinibaldi recommended that the mylar be endorsed as presented, if changes are made due to project funding, allowing the original SPR approved plan, during the construction phase, then the final plans will have to approved, a new mylar signed and registered. The plan was endorsed by all Members of the SPR Committee.

3. **PROJECT UPDATES: (Commissioner Sinibaldi reporting)**

- a. Abby Rd: The Triparty agreement has been executed.
- b. BeWell Organic: Progress is being made, the mechanicals are roughed in, the interior has been framed and exterior siding will be done next week.
- c. **Poplar Hill Circle:** Many of the residents have started large scale landscaping and appear to be using the infield as staging, the Commissioner is concerned regarding possible damage to this area and requested that the board notify the developer and suggest that they group email the residents to use caution and that any damages to the area will be their responsibility and that the infield must be left in good condition. The board will notify the LLC regarding this matter.

d. **Regency Village:** The second building has begun, also infilling around the foundation of building one is complete and seeding will begin shortly.

e. **Regency Office Park;** Construction has begun on the retail buildings.

4. **ATWOOD BETTERMENT FUND:** Poplar Hill LLC has received the approved wording for the sign and specification for same. The board has previously agreed to use the funds in the account to help defray the cost of the memorial sign. The sign is to be placed at the resident's entrance

to the open space; preservation of such space being a fitting memorial to Mr. Atwood's environmental concerns and also his historical interest as it honors the navigational poplar trees that once stood on the site. **Motion:** To release the funds in the XXXXXXXX Fund, set up in memory of Member Robert Atwood in the amount of \$110.00 to be released and transferred to Poplar Hill XXXXXX to defray the cost of the memorial plaque. **Vote 4 Yes / 0 No Motion approved.**

NEW BUSINESS:

1. LILY VILLAGE EXTENSION: A request for the extension of approval for the Lily Village Special Permit granted May 31, 2017 for a mixed use development located at 118 East Main Street has been received from Lily Management LLC. They are requesting an extension of the permit in order to extend time to secure tenants for the commercial space allowing the group to build to suit these tenants. The board agreed to approve the generally accepted two-year extension. **Motion:** To approve a two (2) extension of the Special Permit for the mixed use development, known as Lily Village Plaza, 118 East Main Street as requested by Lily Management LLC, Wilmington, MA. **VOTE: 4 Yes/ 0 No Motion approved.**

2. INVOICES KP LAW: The board has received several more invoices from KP Law regarding the legal advice for zone by-laws proposed for action at the Town Meeting and the triparty agreement for Abby RD. Several of these also involve primarily the Building Inspector. Since the board currently has the larger budget for Zoning Legal Consulting, the board agreed to pay the portion of the billing involving this department. **Motion:** To pay invoices that involve the Building Department as well as Planning Board in the amount of \$617.50 to be warranted at the June 11, 2019 meeting.

3. LETTER OF SUPPORT: MOTION: At the request of the Building Inspector, the board has agreed to submit a letter of support for the Municipal Vulnerability Preparedness Program **VOTE: 4 Yes / 0 No Motion approved.**

CORRESPONDENCE:

1. WARRANTS:

a. **MOTION:** To approve two biweekly payroll warrants in the amounts of (1) \$217.69 for the period 4/6/2019 through 4/18/2019 and (2) in the amount of \$ 316.64 for the period 4/18/2019 through 5/1/2019. **VOTE: 4 yes / 0 NO Motion approved.**

b. **MOTION:** To approve an invoice in the amount of \$606.00 for North of Boston Media Group for payment of the Legal Notices required for the Public Hearing for the Zoning Amendments proposed for Town Meeting, including Accessory Dwelling Units, Open Space Residential Developments and Retail Marijuana. **VOTE: 4 YES/ 0 NO Motion approved.**

c. **MOTION:** To approve an invoice in the amount of \$203.50 for KP Law for Consulting required for the Accessory Dwelling Units Zoning Amendment and language for the Abby Rd. Triparty Agreement. **VOTE: 4 YES / 0 NO Motion approved.**

d. **MOTION:** To approve Horsley Witten Invoice #44877 in the amount of \$3,540.00 for initial peer review, letter preparation and meeting attendance for the Special Permit for 3A-5 Central Street. **VOTE: 4 YES / 0 NO Motion approved.**

e. **MOTION:** To approve Horsley Witten invoice #44118 in the amount of \$468.30 for construction observation and review of as-built at the Quail Ridge Development. **VOTE: 4 yes/ 0 NO Motion approved.**

*Items a and b to be paid from Planning Board Expense. Items d and e from the

individual project escrow accounts set for this purpose. See Summary Page attached.

2. APPEALS BOARD:

a. Petitions: Mary Cormier Inc., Dimensional Variances from Article 4.6.2 Minimum Frontage located 3A-5 Central Street. Discussion only, no action needed at this time.

b. Decisions: None filed at posting.

3. COMMUNICATIONS, NOTICES & ANNOUNCEMENTS:

a. Surrounding Towns. Haverhill, forwarded to board for discussion. No action needed.

b. Ramshead: Letter from Partridge, Snow & Hahn, LLP notifying the board that 4 Colonial Drive has been sold and the easements transferred to new deed are being challenged and the board should be aware of this situation in case the new owner of the property tries to exercise these Easements. There legal opinion is that the new deed is illegal and that these easements should not have been transferred.

c. CENSUS PROGRAM: The board discussed the communication from the Board of Selectmen suggesting that this board should become the Liaison of the “New Construction Program” of the 2020 Federal Census. After reviewing the information to participate in this program the has decided that time needed to participate in this program will not be possible for the part time administration of the board. While the board would urge the participation of the town, it is felt that the Building Department would be better suited to head this project, having construction information and expertize available and full time assistance. The Selectmen will be notified of this decision.

d. NEXT MEETING DATE: The next regular meeting of the Planning Board will be June 11, 2019 when the recessed hearing for the 3A Central Street Special permit will resume at 7:15 PM

ADJOURNMENT 7:53 PM