

MERRIMAC PLANNING BOARD, MAY 15, 2018

DRAFT MINUTES

CALL TO ORDER: Chairperson Sandra Venner called the meeting to order at 7:32 PM.

ATTENDANCE: The Chair, Members Karol Flannery, Dennis Brodie, Keith Pollman and Arthur Amirault, also in attendance was S.P.R. Members Jon Pearson, Conservation; Building Commissioner Robert Sinibaldi was absent.

WELCOME New Member: The Board welcomed Arthur Amirault, new elected to fill the 4 year unexpired term of Richard LaSavoy. Also welcoming again Keith Pollman newly elected to his own 5 year term from his former appointed position of the LaSavoy term.

BOARD RE-ORGANIZATION: This being the first meeting following the annual town election, the board reorganized as follows:

Chair: Sandra was again nominated for Chair and accepting the position was voted unanimously by the members to retain the position.

Vice Chair: Karol Flannery was nominated and upon acceptance was unanimously voted to the Vice Chairman position.

MVPC Representative: The current Representative Keith Pollman, to the planning organization does not wish to continue in the position, as the Thursday night meeting schedule is difficult. Both Member Brodie and Amirault declined to serve in that position. After some discussion it was decided to inquire of the Board of Selectmen if they had knowledge of anyone wishing to serve as the Representative, it is not a requirement that the position be held by a Planning Board Member. Representative Pollman agreed to remain in the position, making meetings as he was able until a new individual could be appointed.

7:45 PM: SITE PLAN REVIEW: Regency Village Commercial Building on Lot 3, 108 West Main Street

Jim Palmisano, Regency Village LLC presented an overview of his proposed project, by detailing the property location and the uses proposed or approved for the large parcel. One lot has been deeded to the Town for the proposed construction of a new Public Safety Building, A Special Permit has been approved and construction has begun on two, 3 story apartment building of 48 units each. He is now proposing on Lot 3 the construction of a 2,400 square foot commercial building which would house a pharmacy/ grocery store on the first level and 4 to 6 medical offices on the second. This use is allowable by right and requires only a Site Plan Review. The tenant for the pharmacy has not as yet been finalized, but the developer is currently in talks with CVS as the first floor tenant. Mr. Palmisano has spoken with Robert Handerson, the direct abutting resident and will shield and buffer in any way that is acceptable to the homeowner. The applicant is requesting no variances, or waivers and all conforms to the Zoning By-law for the Rural Highway district within which all the property is located. He presented the design layout of the building and parking and stated that any change would be a smaller building and parking, depending upon the tenant. The entire project would be accessed by a Public Street to be called Jana Way coming off of Rte. 110, (West Main Street) which would end in a cul de sac off of which a private road to be known as Regency Way would service the apartment complex. The newly proposed building would face Jana Way. The land currently contains no structures and does not involve any wetlands.

Board Engineer Janet Bernardo, Horsley Witten has completed her initial peer review of the project and it appears that the project is in compliance with the Zoning as it applies to the Rural Highway District, however she will need the values confirmed as to the Overall Site Plan. She recommended that the board review the SPR Criteria and Site Development Standards to verify that the presented narrative meets the intention of the By-law. Values for the Stormwater management must be verified and she recommended that the Developer meet with DPW regarding the closed drainage system by adding drain manholes as needed to eliminate the straight-line basin to basin configuration. While she prefers the latter, the original design presented would be acceptable.

The applicants Engineer George Chadwick, Bedford Design Consultants, Inc., was unable to attend the meeting, however he has submitted a response to MS. Bernardo's review. (Both the initial review and the response are on file in the Planning Office.)

The meeting was then opened to questions and concerns of attending abutters to the project living along West Main and surrounding streets. Scott Michel, 111 West Main Street, read a letter urging the board to deny the project. He stated that it would be detrimental to the town and probably would not succeed and leave a vacant building that would become derelict, or the developer would flip the building and the apartment buildings on the adjoining lot. He feels that a CVS would be open 24 hours a day and would produce a great of traffic and crime. He also insisted that a small family owned pharmacy would not succeed and there were no longer any such establishments in the area since Route 495 opened. Mr. George, 2 Whittier Drive agreed and stated that he did not want the building located opposite his home and that the lighting, on 24 hours, even if not open would shine into his property across West Main Street.

The developer stated that his company does not flip their buildings and he would not spend a considerable sum of money to build a building that would remain vacant. As to the property becoming run down, he certainly would not allow this as it would jeopardize the value of his two 48 unit rentals buildings which are located on the adjoining lots. Board Member Amirault , who had occasion to visit a property also built and owned by the developer when the apartment project came before the ZBA, assured the attendees that these were well run, the company had a history of owning and maintaining their units, which were attractive and well managed.

The Chair reminded the audience, several times, that the tenants of the building was not a concern of the board, if the type of business was allowed by zoning in that area then it would be acceptable. She also emphasized that Site Plan Review was the only board action needed, as a 2,400 square foot commercial building was a use by right in the Rural Highway Zone. This was not a Special Permitting situation.

The **Motion** was made and seconded to recess the SPR Meeting to be continued on June 5, 2018 at 7:15 PM at the next regular board meeting. **Vote 5 Yes / 0 NO. Motion approved.**

APPROVAL OF MINUTES: Motion: To waive the reading of the minutes of May 1, 2018 and approve as presented. **Vote 3 Yes / 0 No / 2 Abstain. Motion approved.**

OLD BUSINESS:

1. Project Updates: (Engineer Janet Bernardo stayed for & contributed to these updates having Visited the sites prior to the meeting.)

A. Abby Road: Ms. Bernardo visited the property on route to the meeting and was surprised To see that the site looked pretty good, following the heavy rain. Water seemed to be contained and not impacting Bear Hill Road. Some issues remain but not as much erosion as prior visits following impact weather.

B. Poplar Hill: She also visited this site and to the delight of the board reported that the Mountain of loam is gone and trees planted. She showed pictures of the site taken that evening. Some sidewalk repair is still needed and some vegetation is still not stable.

C. Quail Ridge: Seemed totally stable, water contained and that the reconstruction work done in the past year to the retention basin to eliminate the flow of water onto Huse road has been very successful.

(Complete site visit reports for all projects conducted by Horsley Witten are on file in the Planning Office.)

NEW BUSINESS:

1. Approval of Updated Housing Production Plan. While Members have received the plan to review, the Chair did bring to their attention housing trends she felt were important, such as the fact that the number of households with children under the age of 18 has decreased and the number of elderly households have increased, households are getting smaller. She also noted that MVPC is talking about the possibility of hiring staff to be available to the towns to help with meeting the criteria for the procedure of finding qualified persons to purchase low and moderate income units as they become available for sale and resale. This would greatly help the towns to keep these units from going to fair market sale due to the inability of having staff to qualify these candidates to purchase these units and thus to allow units to revert to fair market sale, as happened to several units at the Cobbler's Brook complex, removing these from our low moderate housing stock. **Motion:** To approve the Housing Production Plan as prepared by Merrimack Valley Planning Commission. **Vote 4 Yes / 0 No / 1 Abstain.**
Motion Approved.

2. Municipal Grant: No board action needed at this time as the application for this grant will be held for another round, when the new Fire Chief is appointed.

3. Legal Opinion for interpretation of Zoning By-law Article 2 Definition of Multi-Family Dwelling and Application of Article 4.13: A preliminary plan has come before the board for discussion to use individual stand-alone units on small lots or have these units connected by a breeze way as fitting the multi-family definition. The Chair is requesting that the board consult with Attorney Pam Brown to interrupt our definition, using a portion of the FY 2018 budget earmarked for legal consulting up to a limit of \$500.00. **Motion:** To consult with Attorney Brown for a legal interruption of Article 2 and Article 4.13, the amount not to exceed \$500.00. **Vote: 5 Yes / 0 No Motion approved.**

4. Horsley Witten Contract: Engineer Bernardo reminded the board that the 3 year contract with Horsley Witten would be expiring soon and questioned if the board would be renewing the contract or issuing a new RFP for these services. The board is very happy with the service it has been receiving and will contact the Board of Selectmen, Accountant and Finance Director as to the possibility

of just renewing this contract for an additional three year period. Ms. Bernardo will present a proposal and the Chair will the contact the above individuals to proceed with a renewal process.

5. Board Signatures for Registry of Deeds: Following any change in the membership of the board it is required that each member or Alternate submit a signature and term expiration date to the Registry for their record. All members signed next to their name for submittal.

CORRESPONDENCE:

1. WARRANTS: Motion: To approve a biweekly payroll warrant in the amount of \$252.20 for Administrative Assistant Pat True. **Vote 5 Yes / 0 NO Motion Approved.**

2. APPEALS BOARD: Petitions: None filed at posting.

Decisions: None filed at posting.

3. COMMUNICATIONS, NOTICES & ANNOUNCEMENTS:

a. After a brief discussion it was decided to move the start time of the regular meetings from 7:30 PM to 7:00 PM for the summer months on a trial basis. **Motion for such a change was approved unanimously.**

b. Next Meeting Date: The next regular meeting will be Tuesday June 5th at 7:00 PM. The Regency Site Plan Review will begin at 7:15 PM.

ADJOURNMENT: 9:43 pm by a unanimous vote.