

MERRIMAC PLANNING BOARD, JUNE 5, 2018
APPROVED MINUTES

CALL TO ORDER: Chairperson Sandra Venner called the meeting to order at 7:06 PM

ATTENDANCE: The Chair, Vice Chair Karol Flannery and Members Dennis Brodie and Arthur Amirault attending. Member Keith Pollman absent. Jon Pearson, Conservation Commission and Robert Sinibaldi attending as Site Plan Review Committee.

APPROVAL OF MINUTES:

1. **May 15, 2018. Motion:** To approve the minutes of May 15, 2018 with the correction of a typo regarding the size of the building being proposed for the commercial building in the Site Plan Review Meeting section from the incorrect 2,400 sq. ft. to the correct 24,000 (Twenty-four thousand sq. ft.) building. **Vote 4 Yes / 0 No Motion Approved.**

Site Plan Review (SPR): REGENCY VILLAGE COMMERCIAL LOT 3: The Chair called the SPR Public Meeting into session, from recess on May 15, 2018. Attorney Philip Parry appearing for the applicant. The Chair reminded the attending abutters that SPR was a less formal procedure from a Special Permit. The project will be approved as the use proposed by the applicant is by right in that zone. The board's purpose in this type of hearing is to insure the manner in which the use is developed and that the project meets the SPR criteria in the by-aw. The applicant has the right to build and the Board has the responsibility to insure the town has a great project when completed. The second peer review letter from Horsley Witten and the response from Bedford Design Consultants was discussed. The lighting and traffic plan have also been received and shared with the attending abutters. The neighbors were assured by Commissioner Sinibaldi that the shielding and tilt on the parking lot lighting would not shine on their property. The Chair informed the attending that the Commissioner would monitor every aspect of the project alone with Janet Bernardo, Horsley Witten Group as the project moved forward. The Chair questioned Mr. & Mrs. Handerson, the direct abutter of the property, if the builder had discussed the buffer or shield from the business with them and if they were satisfied with the plan. They replied that a berm, fence and trees had been promised. They stated they were okay as long as they got the mentioned berm, fence & trees.

Scott Michel, 111 West Main Street, after speaking with Jeffrey Hoyt, Chair of the Merrimac Historical Commission; requested that the Board delay construction of the project to allow the Commission to inspect the cellar holes on the property for any artifacts that might have historical value to the town. The overall parcel was once the site of the Crossley Farm, which contained the farm home and large barn. (A side note: This farm is the site of the only known murder in the history of the town.) The chair informed Mr. Michel that he could notify Mr. Hoyt that the time necessary for the process to be complete would take approximately 6 to 8 weeks giving time for the Commission to investigate the cellar hole, on the site, the other existing cellar hole is located on the now town owned adjoining parcel. Mr. Hoyt and the Commission must seek permission of the owner to be on the property. Mr. Michel also questioned Attorney Parry if Regency had sold any of their units in the past and if he was aware of any financial distress or foreclosure. Atty. Parry said he had no knowledge, of either, but would check.

The abutters questioned Commissioner Sinibaldi regarding the water and sewer situation. Several abutters complained about water pressure issues and feel that the entire enterprise will only make this worse, and what if anything had the developer has done regarding the problem

at the apartment complex under construction. Mr. Sinibaldi told the attending that the developer will have to install a pump to insure Fire Protection for the units and that testing has shown the town has the capacity to handle the project. Much of the Town's water problem are with the size of the Water Mains, the DPW has a program in place and is replacing Water Mains throughout the town. Much of this work was part of the square project. The town has enough water and the 1974 capacity of 4,200 gallons allowed to be pumped has been increased.

Regarding the sewer capacity, the town has also halted much of the I and I problem originating at the trailer park and on Bear Hill Road, this dropping of the I & I discharge has now allowed the sewer system to be upgraded to below capacity. He also pointed out that the Town has never had an infraction with dumping regarding any downstream town on the river. The developer will provide a pump station on Jana Way and the system will be gravity fed down to Route 110.

The project appears to meet the SPR Criteria and design standards, and Conservation has no problem or concern with the plan. The board wishes to hear from the Police and Fire Departments prior to making its decision, so it was decided to recess and resume on June 19, 2018. **Motion:** To recess the SPR for Regency Village LLC for Lot 3 at 8:34 PM and resume at 7:15 PM on June 19, 2018. **Vote 6 Yes / 0 No Motion Approved.**

OLD BUSINESS

1. PROJECT UPDATES:

a. ABBEY ROAD, 22-32 Bear Hill Rd: Kevin Groden and Attorney Paul Gagliardi came to the board to request the release of lots #14 and #16 of the 7 Lots currently being held, (One Lot is also being held separately by Conservation to provide for any needed mitigation.) He presented a letter from William Raveis, his Real Estate Agent showing the value of these Lots to be 230,000 (Two hundred thirty thousand) each and feels this is more than enough to complete the infrastructure work for the development. He also had an estimate of the outstanding items to be completed, showing a cost of \$70,455.00 (Seventy thousand four hundred fifty) to complete the infrastructure. This "Work Item Sheet", however was not completed by his engineering firm per the board's instruction. The Chair showed Mr. Groden an estimate for release that has been presented to the board for Lot Release tonight from another Developer and requested the clerk to forward Mr. Groden a copy to use as a reference. Once such an estimate is complete, it will be forwarded to Horsley Witten for review. Mr. Sinibaldi feels that at least ¼ of million will be needed to bring the project to completion. The latest Horsley Witten inspection found that the pocket wetlands were functioning properly but that an unknown structure visible on Abbey Road would need to be covered or removed and sediment was accumulating on the roadway. Mr. Groden will return with the necessary information for the release.

b. LILY VILLAGE, 118 East Main St.: The pre-construction meeting was held, some equipment is on site and work is expected to begin soon.

c. POPLAR HILL, Middle Road: Dave Trahan representing Poplar Hill came to the board with the engineers cost to complete the project and the request to release the last remaining Lot held as surety and replace this with a cash bond for the surety for completion. Commissioner Sinibaldi has no issue with the presented calculations but the estimate will be forwarded to Horsley Witten for review as usual. The clerk was instructed to forward the necessary forms to be used to change the type of surety. The latest Horsley Witten Inspection found several action items to be completed including the repair of a portion of sidewalk,

verification that the stormwater system is functioning as intended and the removal of trash and a list of items to be completed prior to street acceptance. The Chair, after questioning that no street trees have been planted as shown on the final plan, Mr. Trahan replied that no trees were shown on the landscape plan approved for the development and requested that the clerk supply a copy of the signed definitive plan, as the copy they have does not show any trees. The clerk will make a copy available.

d. QUAIL RIDGE, Battis Road: All appears stable at the site that is nearing completion. Small clean up items regarding catch basins, driveway culverts and stormwater outlets were noted.

e. REGENCY VILLAGE, 106 West Main Street: Work is going well an action items primarily involve monitoring erosion controls, checking wing walls for stability and verify that all mitigation plants are growing.

(All Horsley Inspections were conducted by Engineer Bernardo and are on file in the Planning Office.)

NEW BUSINESS:

1. HORSLEY WITTEN CONTRACT: After reviewing the proposed Renewal Contract and noting that with the exception of the cost increase for salary of the hourly rate for staff from a range of \$5.00 to \$15.00, the contract remains the same. All board members are pleased with the work provided by the company and look forward to continuing the relationship, it was moved to request the Board of Selectmen to sign the contract for a 3 (three) year continuation. **Motion:** To recommend to the Board of Selectmen that the 3 (three) year contract proposal with Horsley Witten for Merrimac Planning Board Engineering and Construction Supervision Technical Assistance Contract be signed by the board for renewal. **Vote 4 Yes / 0 No Motion Approved.**

2. FRYE LANDSCAPING: 127 West Main St: When Frye Landscaping replaced a building in the front of the property, the Commissioner informed the board that the structure was being squared off and was a continued use and needed no further review from the board, however, the Chair reported that the area has become unsightly on this gateway location. Mr. Sinibaldi assured the Chair that he has spoken with the owner and landscaping will added in the front of the building.

CORRESPONDENCE:

1. WARRANTS:

BOARD EXPENSE

a Motion: To approve two biweekly Payroll Warrants each in the amount of \$232.80 for the periods May 19- June 1 and June 2- June 15 for Administrative Assistant Pat True. **Vote: 4 Yes / 0 No Motion Approved.**

b Motion: To approve a warrant in the amount of \$69.50 for the PRS Group Inc. for the I Drive Back up for the board for the past Fiscal Year, the funds coming from the computer expense line item of the board expense budget. **Vote 4 Yes / 0 No Motion Approved.**

c Motion: To approve an invoice from SCHWAAB Inc. in the amount of \$17.47 for the purchase of nameplate for newly elected Member Amirault to be paid from General Board Expense. **Vote 4 Yes / 0 NO Motion Approved.**

HORSLEY WITTEN GROUP

Motion: To approve Horsley Witten Invoice #42862 in the amount of \$198.30 for construction observation and report #9 at Regency Village, 106 West Main Street. **Vote 4 Yes / 0 No Motion Approved.**

a. **Motion** To approve Horsley Witten Invoice 42861 in the amount of \$175.23 for construction observation and report #22 at Abbey Rd, 22 Bear Hill Rd. **Vote 4 Yes/ 0 No Motion Approved.**

b. **Motion:** To approve Horsley Witten Invoice # 42860 in the amount of \$175.23 for Construction Observation and report #30 for Poplar Hill, **Vote 4 Yes / 0 NO. Motion Approved.**

c. **Motion:** To approve Horsley Witten Invoices # 37894 in the amount of \$644.34 for site inspection and report # 21, and invoice #39925 in the amount of \$387.96 for site inspection and report # 29 and invoice # 39644 in the amount of \$270.00 for site inspection and report # 28 for a total of \$1302.30 for the Quail Ridge, Battis Road development, to be paid from the Quail Ridge Surety escrow Account. **Vote 4 yes / 0 No Motion Approved.**

2. APPEALS BOARD

1. **Petitions:** None filed at posting.
2. **Decisions:** None filed at posting.

3. COMMUNICATIONS, NOTICES & ANNOUNCEMENTS

1. Surrounding Towns:

a. Haverhill: Proposed zone amendment to add Article XV.A “Senior Housing Overlay District” on East Broadway and b. Haverhill Zone Amendment Floodplain Ordinance.

2. **Conservation Application: Pier, Lakeview Ave. McLaughlin:** No action needed.

3. **Confirm next meeting date as June 19, 2018 at 7:00 PM**

ADJOURNMENT: 9:08 PM