

MERRIMAC PLANNING BOARD

REMOTE MEETING VIA ZOOM

February 15, 2022

MINUTES

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

ATTENDANCE: Chair Sandy Venner, Members Thomas Abisalih, Vice Chair Karl Flannery. Absent: Member Dennis Brodie, Member Keith Pollman, John Thomas, Alternate Member.

APPROVAL OF MINUTES for 1/18, 2021: Motion to approve minutes from 1/18/22. 1st Tom Abisalih, 2nd Karol Flannery, All in favor 3-0.

Old Business:

Project Updates:

118 East Main Street/Merrimac Commons: Nothing to report at this stage, sewer and foundation held off due to weather.

1 Jana Way: Numbering the individual units in progress with assessors getting guidance as it is all one lot. Building Commissioner, Bob Sinibaldi, states still a need to ID condo Buildings.

Abbey Road: The legal counsels have agreed on language for the Tripartite agreement. Counsel Jonathan Murray states in an email that the \$40,000.00 is to be placed in a gift account to the Town of Merrimac. Motion to approve tripartite agreement with North Shore Bank and new owners. 1st, Tom Abisalih, 2nd Karol Flannery, All in favor, 3-0

Continue after Public Hearing

PUBLIC HEARING CALL TO ORDER by Chair Sandy Venner at 7:15 PM.

Public Hearing open for Zoning Bylaw amendments presented at the last Town Meeting and previously supported by this Board. Prior process was not complete due to lack of notice to surrounding towns. Proper notice has been given for this public hearing to move forward.

First Article: To add definition under Article 2, Definitions for SELF-STORAGE SERVICE FACILITY and to include as uses in VILLAGE CENTER DISTRICT, OFFICE -LIGHT DISTRICT to be granted by Special Permit from the Planning Board.

Article Open for discussion by Chair Sandy Venner: NO COMMENTS

Second Article: To add under Article 17, 17.3.2, 17.3.3, 17.3.5-8, ACCESSORY DWELLING UNITS AND CONVERSION OF EXISTING SINGLE-FAMILY DWELLINGS to include DETACHED ACCESSORY DWELLINGS in all Districts where sustainable.

Article Open or Discussion by Chair Sandy Venner: Karol Flannery asked to have ATTACHED ACCESSORY DWELLINGS explained in more detail. Building Commissioner, Bob Sinibaldi states that it allows, if there is enough land, the dwelling to have a detached in-law use to better fit on the property than an attached with a 35' breezeway. Sandy noted the bylaw restricts it to those related by blood or marriage and it

doesn't transfer to new ownership. Each new owner to place on the deed so it does not become a rental.

Third Article: To include under Article 19, RURAL HIGHWAY DISTRICT, allowed uses of SINGLE-FAMILY DWELLINGS with associated small businesses, by Special Permit.

Article Open for Discussion by Chair Sandy Venner: no further discussion.

Fourth Article: To add under Article 6, 6.4.9.1, AGRICULTURAL RESIDENTIAL DISTRICT, allowed uses of AGRICULTURAL EMPLOYEE UNITS by Special Permit from the Zoning Board of Appeals.

Article Open for Discussion by Chair Sandy Venner: Board clarifies that the units will be maximum of 900 square feet. Only change to this article what was previously presented is the addition from the Board of Health in reference to inspections. Bob Sinibaldi states the set backs are the set-backs already in place. Question from citizen and abutter, Jennifer Este: What exactly is being requested? Bob Sinibaldi, the town is trying to solve an issue for businesses that need employees to stay on the premises. Este: Is there a limit to the number of inhabitants per unit? Bob Sinibaldi: Has to be a family, not multiple singles. Este: as an Abutter, this will change the nature of our road, it is supposed to be a private way. Sinibaldi: yes, but it is open to the public. Este: there will be a traffic increase. We're asking to consider the impact. Sinibaldi: The traffic will be less than if the land across the street was developed into multiple homes. Keeping farms alive will keep subdivisions from being built. No further comments.

Motion for Board to hold an individual vote on each article to recommends articles be passed at Town

Meeting: 1st Karol Flannery, 2nd Tom Abisalih, All in favor 3-0

1. First article: **Motion to support Article (as listed Article 2 Self- Service Storage Facility):** 1st Karol Flannery, 2nd Tom Abisalih, All in favor 3-0

2. Second Article: **Motion for Planning Board to support Article (Article 8 Detached Accessory Dwellings).** 1st Tom Abisalih, 2nd, Karol Flannery, All in favor, 3-0

3. Third Article: **Motion to support Article (Article 17 Single-Family Dwellings Special Permit):** 1st Tom Abisalih, 2nd Sandy Venner, Abstain Karol Flannery, All 2-0-1

4. Fourth Article: **Motion to support Article (Section 6.4, Employee Units):** 1st Tom Abisalih, 2nd Sandy Venner, Abstain Karol Flannery. All 2-0-1

MOTION TO CLOSE PUBLIC HEARING: 1st Tom Abisalih, 2nd Karol Flannery, All in favor 3-0

Continuance of OLD BUSINESS:

Abbey Road: North Shore representative, Paul Crocchier, will forward \$40,000 to town of Merrimac as directed by the planning board. Check made out to Town of Merrimac Highway Paving Gift Account. 28 School Street Attention DPW department. MOTION to release Enterprise Bank, upon receipt of the \$40,000.00 Check, advised by KP Law, a signed release from the original agreement. There are multiple signatures needed and then a notary to witness and stamp. 1st Tom Abisalih, 2nd Karol Flannery, All in favor 3-0. Admin will coordinate signatures and Notary to complete by the end of the week.

NEW BUSINESS:

1. **25 Hadley Road ANR:** Motion to approve the ANR subdivision of lots. 1st Tom Abisalih, 2nd Karol Flannery, All in favor 3-0. Mylar plans to be signed and stamped. Board members to sign tomorrow in Planning Board office.
2. **ADMIN Performance Review:** Annual review came up for Linda at the Board of Health and Town Admin asked that Planning Board give their review at the same time. Review administered and filed.
3. **Marijuana ByLaw Public Hearing Date: March 15, 2022.** Motion to approve 3/15/22 as Public Hearing date for the Marijuana bylaw amendment change posed by the Bard of Selectman. 1st Toma Abisalih, 2nd Karol Flannery, All in favor 3-0
4. **MBTA Communities Multi-Family Housing:** Board discuss how this zoning bylaw change would affect Merrimac. The Board wants to know how much funding the Town has received from the impacted grants since FY'18. The Board will meet jointly with the BOS on this on Feb. 28th.
5. Appointment of Alternative member continued to next meeting. Motion to continue, 1st Tom Abisalih, 2nd Karl Flannery, All in favor 3-0

CORRESPONDENCE:

Board of Appeals: Petition for the Flats 40b project

WARRANTS:

1. KP Law, Abbey Road conference calls and emails concerning subdivision improvements, 12/28, 12/30/21. \$180.00. Motion to pay warrant, 1st Karol Flannery, 2nd Tom Abisalih, all in favor 3-0
2. Legal Ad for 4 Article Bylaw first print. \$265.00. Motion to pay warrant, 1st Tom Abisalih, 2nd Karl Flannery, all in favor 3-0

COMMUNICATIONS, NOTICES, & ANNOUNCEMENTS

Surrounding Towns. Haverhill, Kenoza Ave Properties, LLC requests a SP and approved to build an 8-unit multi-family dwelling property located at 62 Kenoza Ave

NEXT MEETING: March 15, 2022 to include Public Hearing. 1st Karol Flannery, 2nd Tom Abisalih. All in favor 3-0

ADJOURNMENT: 9:16 PM