

MERRIMAC PLANNING BOARD

March 21, 2023

MINUTES

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

ATTENDANCE: Chair Sandra Venner, Vice Chair Karol Flannery, Member Thomas Abisalih, Member David Cressman (7:11 pm), Member Dennis Brodie (7:15 pm).

ABSENT: None

On a motion by Mr. Abisalih, second by Ms. Flannery it was voted 3-0 to approve minutes of January 31, 2023.

Approval of Minutes from meeting on November 15, 2022, was tabled pending a quorum of those members that were present.

OLD BUSINESS:

Storm Water Management For 1 High Street. No new developments, none anticipated until after the spring thaw when activity is expected to resume.

PROJECT UPDATES:

118 East Main Street/Merrimac Crossing: Ms. Venner reports that units are being advertised for sale, and that no reports from Horsley Witten are anticipated during the winter months as there isn't much external work being done. Robert Sinibaldi reported that everything is completed on the exteriors, three units have closed with another expected to close on the 22nd. Ten units under contract, and that landscaping will resume in mid-May, weather permitting.

Abbey Road: Mr. Sinibaldi reported stated that two of the four units have been closed and occupied, a third one has their final scheduled for the 22nd, and the fourth will start sometime the beginning of May. Once they close out of number five, they'll begin closing out issues and contingencies. A house will be built on the lot at the entrance.

Regency Mixed Use: Ms. Venner noted that an open house was held to sell units as condos. Mr. Sinibaldi stated that there are various stages of completion, but there is not yet a completed unit to show. The four-unit building will be completed before the beginning of July, and work on the commercial unit starts the beginning of April.

NEW BUSINESS:

Public Hearing Continued – Special Permit and Site Plan Review - 51 East Main Street

On a motion by Ms. Flannery, second by Mr. Abisalih, it was voted to reopen the hearing by a vote of 4-0.

Ms. Venner noted that Mr. Cressman is unable to vote on the matter as he was not appointed to the Board until after the hearing was first opened, that Keith Pollman, is unavailable this evening, and that John Pearson from the Conservation Commission and Robert Sinibaldi from the Building Department/DPW are participating as Site Plan Review Committee members.

Nicholas Osgood of NSD 2 Real Estate, LLC, the applicant, stated that he would like to proceed with the hearing despite the absence of a voting member.

Ms. Venner noted that we had not received the hard-copy updated plans, and that Janet Bernardo of Horsley Witten has not yet been asked to perform a peer engineering review of them.

Anthony Capachietti of Hayes Engineering, Inc. provided a high-level overview of the changes to the plan including reduced building size, storm water management, and changes based on peer review comments of the original plan. A peer review response will be submitted on the 22nd, updated plans will be provided, and the conservation application will be finalized. A traffic study will be submitted with the peer review response. Mr. Capachietti then referred to the project plans pointing out changes in building structure, entrance drive, fencing, retaining walls, landscaping, electrical service, water, sewer, and parking. In response to a question from Ms. Flannery, Mr. Capachietti noted that although parking is reduced from the original plan, they are still “over parked” by ten spaces.

Mr. Osgood reported that the footprint of the building was reduced from 97,000 to 77,000 square feet but there will still be an interior mezzanine.

Mr. Capachietti referred to the traffic study with a speed survey indicating the median speed was in the 85th percentile at 41 mph, up from 30+/- mph at the last survey, due to the increased posted speed limit. The traffic study will be provided as part of the response to the peer review.

In response to a question from Ms. Flannery, Messrs. Capachietti and Osgood stated the hours of operation are anticipated to be 7:00 am to 7:00 pm, however there is no signed tenant for the building as yet; Ms. Venner noted the option for two shifts upon special application.

In response to a question from Mr. Brodie, Mr. Capachietti stated that there will not be 24-hour presence on the property.

Denise McClure, Planning Consultant to the Board noted that an ANR application has been provided, as there are no anticipated lot line changes, however as the application has not yet been formally submitted, the 21-day clock is not yet ticking.

Mr. Pearson commented that notice of intent has not been received by the Conservation Commission. He also brought to the applicant’s attention that they have apparently not considered the 50’ no build, 25’ no disturb wetland zones bylaws, and that mitigation and waiver are not automatic and are only allowed when there is no alternative. It appears to him that with the building being smaller, it could be moved further from the wetlands. Mr. Osgood responded that they did take this into consideration, but that bringing in 2,300 30-yard truckloads of fill at a cost of \$2million to \$3million is not reasonable. After further conversation among Messrs. Pearson, Capachietti, and Osgood, Ms. Venner indicated that the Planning Board would likely support the Conservation Commission whatever their determination may be.

Ms. Venner then opened the floor to the public for questions and comments.

Patrick Noone, 45 East Main Street, is concerned for his neighbors, as he has sufficient buffer from the project site, which his neighbors do not. He also expressed concern with the traffic flow around the building. Mr. Capachietti responded that there would be a 6' fence plus grading to provide an effective barrier of 8', as well as planting white pines. He also indicated where existing trees could be retained and would be removed.

In response to a question from Ms. Venner regarding traffic around the building, Mr. Capachietti responded that none is anticipated but that circulation for emergency vehicles is being maintained, which could be gated-off. Ms. Venner indicated the Fire and Police departments' concerns would need to be addressed.

Ms. Jamie Howie, 43 East Main Street, commented that she feels their concerns are being heard.

Ms. Venner suggested a meeting between the applicant and the abutters to discuss their concerns regarding lot lines, tree cutting, storm water runoff, puddles, etc.

In response to a question from Mr. Noone, Mr. Capachietti noted the driveway placement and width are dictated by the MA DOT permitting process, traffic speed, and sight lines/distances.

Ms. McClure noted that we can add conditions regarding signage as conditions of the permit.

Mr. Capachietti requested that the hearing be continued to after they receive the response from Horsley Witten, and the hearing before the Conservation Commission. At 8:12 pm, on a motion by Ms. Flannery, second by Mr. Abisalih, it was voted 4-0 to continue the public hearing for 51 East Main Street until May 16, 2023.

Other New Business:

Mr. Brodie mentioned the need to update the Town website to reflect the accurate meeting dates.

Ms. McClure noted the next meeting will be a public hearing on a Zoning Bylaw amendment to change all instances of "Selectmen" to "Select Board".

Ms. Flannery commented on the layout of the room not being conducive to discussion, presentation, communication, and recording for television.

CORRESPONDENCE: An updated signature page for the Registry of Deeds was circulated among the members for their execution.

WARRANTS/FINANCIAL

1. Warrant – Invoice from Staples for Mr. Cressman's nameplate, \$19.99 approved 5-0 on a motion by Ms. Flannery, second by Mr. Brodie.
3. Warrant – Invoice from Horsley Witten – 1 High Street, to be paid from escrow.

COMMUNICATIONS, NOTICES & ANNOUNCEMENTS

Surrounding Towns

1. Town of West Newbury – Zoning Bylaw Revisions
2. City of Haverhill – Zoning Amendment, Inclusionary Zoning

Confirm Next Meeting:

The next meetings of the Planning Board will be on April 18, 2023.

ADJOURNMENT: 8:12 pm. There being no further business to come before the Board, and upon a motion by Mr. Cressman, second by Mr. Brodie, it was voted 5-0 to adjourn at 8:12pm.

Respectfully submitted,
Thomas C. Abisalih