

MERRIMAC PLANNING BOARD

December 6, 2022

MINUTES

CALL TO ORDER: Chair Sandra Venner called the meeting to order at 7:02 PM

ATTENDANCE: Chair Sandra Venner, Vice Chair Karol Flannery, Member Thomas Abisalih, Member Keith Pollman, Site Plan Review Member Robert Sinibaldi

Absent: Member Dennis Brodie

Motion to approve minutes of November 1, 2022. 1st Thomas Abisalih, 2nd Keith Pollman, All in favor 4-0

Approval of Minutes for November 15, 2022: Minutes from meeting on November 15, 2022 moved to next Planning Board meeting for a quorum of those members that were present.

OLD BUSINESS:

Storm Water Management For 1 High Street.

Phil Parry, the attorney for the property owner, stated that there wasn't anything to present. They are waiting on the engineer to complete the plans. The surveyor has completed the survey, but the engineer is still working on the plans. Unfortunately, we do not have a timeline for completion. The site is stable and no additional work has taken place.

Sandra Venner stated that Janet Bernardo, our peer engineer, was in the audience. Ms. Venner asked if Janet would like to speak to the stability of the site, particularly with winter coming.

Janet Bernardo of Horsley Witten stated that as long as no work has taken place at the site since her last inspection, then the site is most likely stable.

Karol Flannery asked with Ms. Bernardo was last at the site?

Ms. Bernardo said possibly the spring or summer. There is erosion control at the site. The site should be stable for the winter months.

Robert Sinibaldi, Building Commissioner, stated that there has been no work performed on the site recently and the site is stable.

Thomas Abisalih asked if we are sure the site is stable. If it is stable, I am not concerned with leaving things as is until spring.

A motion was made to have Ms. Bernardo conduct a site visit to determine if the site is stable. 1st Thomas Abisalih, 2nd Karol Flannery, All in favor 4-0

PROJECT UPDATES:

118 East Main Street/Merrimac Crossing: Janet Bernardo, Horsley Witten, presented the site inspection report that she completed pertaining to construction at the site.

Abbey Road: Janet Bernardo, Horsley Witten, presented the site inspection report that she completed pertaining to construction at the site.

Regency Mixed Use: Janet Bernardo, Horsley Witten, presented the site inspection report that she completed pertaining to construction at the site.

NEW BUSINESS:

6 Brush Hill Road ANR Plan

The surveyor for the project presented the ANR plan for 6 Brush Hill Road. He stated that the applicant was requesting to subdivide the parcel to create an additional lot. The two lots both meet frontage requirements on a public way and neither create a need for setback variances.

A motion was made to endorse the ANR plan for 6 Brush Hill Road. 1st Thomas Abisalih, 2nd Karol Flannery, All in favor 4-0

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

The applicant requested to continue the public hearing to the next regularly scheduled Planning Board meeting.

A motion was made to continue the public hearing for 51 East Main Street until January 31, 2023. 1st Thomas Abisalih, 2nd Karol Flannery, All in favor 4-0

Public Hearing – Adult Use Marijuana Special Permit and Site Plan Review - 17 Broad Street

Sandra Venner provided an overview of the application and the public hearing process.

A motion was made to open the public hearing for the Adult Use Marijuana Special Permit and Site Plan Review at 17 Broad Street. 1st Thomas Abisalih, 2nd Keith Pollman, All in favor 4-0

Matthew Richmond, the CEO of BeWell presented the project. The medical marijuana facility has been open since 2020. We are requesting to continue the site's use as a medical marijuana dispensary and add the additional use of a retail marijuana facility. There will be no physical changes made to the building or the site. The use currently sees approximately 13-14 customers per day and the addition of the retail facility will increase the number of customers the facility serves each day.

Ms. Venner questioned whether they were any plans to have additional parking spaces for staff with the customer increase expected.

Mr. Richmond stated that they are not planning to provide any additional parking in site for staff but are requesting employees carpool.

April Lyskowsky of BeWell stated that they are currently speaking with the adjacent restaurant to utilize some of their parking as additional parking for staff.

Thomas Abisalih questioned the parking requirements of the site plan approval for the medical marijuana.

Ms. Lyskowsky stated that they were required to lease five parking spaces from the Town, which they do. The parking is on Mill Street.

Keith Pollman wanted to ensure that the applicant was in compliance with its original special permit and site plan approval.

Denise McClure, Town Planner, stated that they are in compliance with the original conditions of their approval. They are required to lease spaces with an entity and they are leasing spaces from the Town.

Mr. Richmond stated that they don't think they will need additional parking with the additional retail use but they are looking into additional spaces off site just in case they are needed.

Mr. Sinibaldi stated that they have always leased the parking spaces from the Town and those spaces have always been available for their employees or customers to park if needed.

Mr. Richmond stated that they currently have 2-3 employees on site at any given time and with the retail facility they expect to have 3-4 employees at any given time.

Keith Pollman questioned how many customers do they typically have in the facility at a time

Mr. Richmond stated 1 or 2 at the most. The check out time with the retail portion is quicker than the medical, so customers will be moving through the facility faster than before.

Karol Flannery questioned the team's experience with overseeing a facility with both medical and retail marijuana sales.

Mr. Richmond stated that he and his whole team have experience with such facilities.

Thomas Abisalih questioned whether the security at the facility is armed and in uniform.

Mr. Richmond stated that they are not. They have found that not having the security armed is beneficial to the safety of the facility.

Sandra Venner requested that the applicant provide an overview of the host agreement with the Town.

Mr. Abisalih questioned whether there would be any changes to the site signage or lighting

Mr. Richmond stated that there would not be any changes

Sandra Venner discussed the comments pertaining to parking received by the Chief of Police. Ms. Venner further stated that the application met all of the by-law requirements.

Ms. Venner then opened the public hearing to the public for comment. There were no one present to speak on the matter.

Thomas Abisalih pointed out that the Board received a comment letter from a resident who spoke in favor of the project.

A motion was made to close the public hearing for the special permit and site plan review for 17 Broad Street. 1st Thomas Abisalih, 2nd Karol Flannery, All in favor. 4-0

Several Board members expressed concern that a unanimous vote of the quorum present would be required to approve the project. Prior to closing the public hearing, the Board discussed whether they should have consulted with the applicant concerning the need for a unanimous vote with one member absent.

A motion was made to reopen the public hearing for the special permit and site plan review for 17 Broad Street. 1st Thomas Abisalih, 2nd Keith Pollman, All in favor. 4-0

Keith Pollman expressed his concerns pertaining to how the by-law was approved at Town meeting versus the votes cast by ballot pertaining to the sale of marijuana.

Thomas Abisalih questioned whether it would be an issue that the Attorney General has not yet certified the by-law

Denise McClure stated that she felt that wouldn't be an issue and a condition has been included in the draft decision addressing that the applicant cannot open the facility prior to the Attorney General certification.

The Board asked the applicant whether they were comfortable moving ahead with the public hearing with the quorum present. The applicant expressed that they would like to move ahead with the Board's vote if the Board was prepared to vote.

A motion was made to close the public hearing for the special permit and site plan review for 17 Broad Street. 1st Karol Flannery, 2nd Keith Pollman, All in favor. 4-0

Ms. McClure presented the draft decision to the Board.

A motion was made to approve the special permit for 17 Broad Street as per the decision as amended. 1st Thomas Abisalih, 2nd Karol Flannery, All in favor, 4-0

A motion was made to approve the site plan review for 17 Broad Street, including waiving the site plan requirements, as per the decision as amended. 1st Keith Pollman, 2nd Thomas Abisalih, All in favor, 5-0

CORRESPONDANCE

1. New Planning Board Member

Sandra Venner informed the members that David Cressmen is interested in filling the alternate Board member vacancy. Ms. Venner stated that he has experience in municipal government and would make a good addition to the Board.

Keith Pollman stated that it has become increasingly difficult for him to make Board meeting. He would prefer to be the alternate member if Mr. Cressmen is interested in being a full member.

A motion was made to recommend to the Selectmen that David Cressmen be appointed to the Board as a full member (if interested) and Keith Pollman be appointed as an alternate member. If Mr. Cressman is not interested in being a full member, then the recommends that the Selectmen appoint him as an alternate. 1st Thomas Abisalih, 2nd Keith Pollman, All in favor, 4-0

WARRANTS/FINANCIAL

1. 2 Prospect Hill – Escrow Account Release
2. Warrant – Invoice from North of Boston Media Group – 51 East Main Street Legal Ad
3. Warrant – Invoice from North of Boston Media Group – 17 Broad Street Legal Ad

COMMUNICATIONS, NOTICES & ANNOUNCEMENTS

Surrounding Towns

1. None

Confirm Next Meeting:

The next meetings of the Planning Board will be on January 31, 2023.

ADJOURNMENT: 10:05 PM. Motion to approve adjournment, 1st Karol Flannery, 2nd Keith Pollman. All in favor 4-0