

MERRIMAC PLANNING BOARD

October 15, 2024

MINUTES

CALL TO ORDER: Chair David Cressman called the meeting to order at 7:00 PM

ATTENDANCE: Chairperson David Cressman, Member Bill McGowan, Member Thomas Abisalih, Alternate Sandra Venner, Town Consultant Denise McClure, Dept. of Public Works Director Bob Sinibaldi, Peer Engineer Horsley Witten Janet Bernardo

ABSENT: Vice Chair Karol Flannery, Member Dennis Brodie

Quorum was not met at the meeting to approve the minutes for 05/21/2024. A motion was made by Member Thomas Abisalih to approve the minutes of 09/17/2024, 2nd by Member Bill McGowan, all in favor 3-0.

OLD BUSINESS:

1. **Stormwater Management for 1 High Street** – No application was submitted to the board prior to the meeting. The property owner will bring an application for the board before the next meeting on October 15, 2024.

PROJECT UPDATES:

1. **Abbey Road** – No new updates.
2. **51 E. Main** – No new updates.

NEW BUSINESS:

1. **Public Hearing (cont.) – 1 Bear Hill Road** – A motion was made by Member Bill McGowan to open the public hearing, 2nd Thomas Abisalih, 4-0.
 - a. **Chairperson David Cressman began the public hearing by addressing an inquiry from a constituent. This inquiry accused the Planning Board of privately reaching a decision to not require a sidewalk for the 1 Bear Hill Road property on September 17, 2024. David Cressman clarified that at the Sept. 17, 2024 public hearing, no decision was made regarding the sidewalk. The only vote taken on Sept. 17, 2024 was to continue the 1 Bear Hill Road public hearing to the next meeting date, August 20, 2024.**
 - b. To begin the public hearing Alex Sellar, engineer for the project, took the podium and provided an overview of the revised plans. Following Alex, the owner, Mr. Duncan Gould took the stand to address the changes made to the project given the feedback from the Planning Board and surrounding neighbors. The exterior of the building has changed from vibrant colors to more neutral tones, to fit into the surrounding homes. Mr. Gould assured applicants that lighting in the parking lot will not pollute into their homes at night. The applicant's architect brought in insulation samples to address concerns of noise coming from inside the gymnasium. A major concern being the surrounding traffic and impact to traffic, Mr. Gould stated that the Massachusetts Department of Transportation (MASSDOT) has already been contacted in order to coordinate donation of an easement of the property to make future widening of the road possible.
 - c. Mr. Sellar took the podium again to go more in depth on some plan changes and to respond to comments made by the Commission on Disabilities Mr. Sellar states that all ADA parking spaces are now accessible to electronic charging. An elevator installation is being discussed; push button doors were not feasible due to cost. The applicant currently plans to provide a staffed lobby to accommodate accessibility in and out of the building.
 - i. Chairperson David Cressman opens the floor to comments from Planning Board members.
 - ii. Member Thomas Abisalih raised concern over electric vehicle/accessible parking spaces being so close to the entrances, some companies have issues with capable drivers taking these spots. Mr. Sellars response is that there is plenty of parking in the lot, enough so that the applicant is not concerned about the potential issue.
 - d. **Chairperson David Cressman opens the floor to public comment.**
 - e. **Chelsea Smith – 87 E. Main** – the constituent expressed that she feels the business will have a large impact on traffic. She uses the 60+ parking spaces as evidence, if all of those spots fill up and empty out for each class, it will be a significant amount of traffic. The applicant also notes noise and light pollution concerns, even going to observe a similar business owned by Mr. Gould, noting possible concerns; parents waiting in cars with headlights on past the hours of business operation, car doors slamming, sounds of engines starting. States no business operates past 10 PM in Merrimac, MA besides the town bar. Applicant mentions the façade of the building not fitting into the surrounding area and the fear of significant loss to property values. Applicant states that this project is in violation of the towns by laws.

- f. Alternate Member Sandra Venner addresses the comment that “the proposed project does not fit into the town’s bylaws” by explaining how it does meet the zoning bylaws, it has received waivers from the Zoning Board of Appeals and is before the planning board for special permit.
- g. **Ariadne Wright – 6 Bear Hill Road** takes the podium to provide comments. States still unhappy with the exterior of the building, even with the changes made by the applicant to provide a more neutral exterior. References to the zoning bylaw under Rural Highway District are made, Section 9.9. Section 9.2 is discussed as it pertains to permitted use. Expresses that the surrounding area would benefit from a sidewalk on the proposed property. Constituent asks why so many parking spaces will be needed if the classes sizes will stay as small as the applicant states. States they are against an increase in impervious surfaces. Asks the Planning Board to uphold the Town of Merrimac bylaws.
 - i. David Cressman responds that the parking spaces required by the bylaws are 77, however, the applicant is requesting a reduction in the number of spaces required to 60. .
 - ii. Denise McClure responds to the comments addressing the sidewalk, the property has a large berm that can potentially block the view of the building, this makes placement for a walkway challenging as there have been many complaints about the building’s façade. The berm would need to be reduced in order to place a walkway.
- h. **Joe Bray – 87 East Main Street** – Constituent notes that this property is zoned for Rural Highway and Water Resource Protection. Asks for clarification regarding the map overlays and exact zoning. Mr. Bray requests information on how the previous decisions made by the Zoning Board can be appealed. Refers to a previous application for a Dollar General on the 1 Bear Hill Road property, states the project was denied by the board. Mr. Bray also brings attention to Section 9.652 pedestrian use and Section 9.9.6 in the Merrimac Zoning Bylaw. Expresses concern regarding stormwater drainage; states water drains directly into adjacent property’s backyard.
 - i. Bob Sinibaldi – Director of the Dept. of Public Works for Merrimac, responds that the 2004 overlay map referenced by Joe Bray contained an error, however, this map was updated and fixed.
 - ii. Alternate Member Sandra Venner addresses the comments made regarding the previous Dollar General project. States she does not know if any meetings were held with the previous applicants outside of public meeting, however, the Dollar General project could have been built “by right”. The applicant of the Dollar General project chose to withdraw the project. “What encouraged them to withdraw the application, I don’t know.”
 - iii. Janet Bernardo a peer review engineer hired to review the sites stormwater plan takes the podium to address comments regarding stormwater and runoff. States that the current flow measured on the property is high, the applicant is reducing stormwater runoff by developing the property by implementing catch basins in the parking lot.
- i. **A motion was made by Chairperson David Cressman to continue the public hearing for 1 Bear Hill Road to the next meeting on November 19th, 2024, 2nd Thomas Abisalih, 4-0.**
- j. A motion was made to open the next public hearing regarding changes to the zoning bylaw - **Accessory Dwelling Units (ADU).**
- k. Town Consultant Denise McClure briefs the board on changes made to the existing ADU bylaw including changed definitions and the change in allowance to by right in single family residential areas. These changes also conform to State legislation and will assist in making the Town of Merrimac compliant to the state regulations slated to go into effect in early 2025. No public comments were made.
 - i. Motion to recommend this zoning bylaw to Town Meeting was made by Member Thomas Abisalih, 2nd by Bill McGowan, all in favor 3-0
 - ii. Motion to close the public hearing for ADUs made by Member Bill McGowan, 2nd Thomas Abisalih, all in favor 3-0.
- l. A motion was made to open the next public hearing regarding changes to the zoning bylaw - **Battery Energy Storage Systems (BESS).**
- m. Dept of Public Works Director Bob Sinibaldi explained that solar battery storage systems have caused fires that lead to thermal runaway. This change to the zoning bylaw will control where these BESS can be placed. Help contain thermal runaway from tier 3. No public comments were made.
 - i. A motion was made by Bill McGowen to approve the change to the zoning bylaw, 2nd Thomas Abisalih, all in favor 3-0.
 - ii. Motion to close the public hearing for BESS made by Member Bill McGowan, 2nd Thomas Abisalih, all in favor 3-0.

CORRESPONDENCE:

1. **None.**

WARRANTS/FINANCIAL:

1. Warrant –Horsley Witten – Stormwater and zoning peer review letter 1 Bear Hill Road - \$3,680.00.
2. Warrant – North of Boston – Legal Ad Posting BESS & ADU \$480.20.
 - a. A motion was made by Member Thomas Abisalih to approve two warrants, 2nd Bill McGowan, all in favor 3-0.

OTHER BUSINESS:

No other business.

COMMUNICATIONS, NOTICES & ANNOUNCEMENTS:

Surrounding Towns:

1. Haverhill – Special permit construct three-family residential building at Piling & Boston St; Sept. 24, 2024.
2. West Newbury – Special permit reduced frontage lots at 0 Middle Street.
3. West Newbury – Application for removal of stone wall at 0 Middle Street.

CONFIRM NEXT MEETING: The next meeting of the Planning Board will be on November 19, 2024.

ADJOURNMENT: There being no further business to come before the Board, and upon a motion by Thomas Abisalih, 2nd by David Cressman, all in favor 3-0, it was voted to adjourn at 9:05 PM.

Respectfully Submitted,
Shayla Wells