

MERRIMAC PLANNING BOARD

September 21, 2021

MINUTES

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

ATTENDANCE: Chair Sandy Venner, Members Thomas Abisalih and Keith Pollman, Dennis Brodie. John Thomas, Alternate Member. Also attending Commissioner Sinibaldi. Vice Chair, Karl Flannery, ABSENT

APPROVAL OF MINUTES for 8/24/21, 2021: MOTION by Tom A., 2nd by Dennis Brody: To approve the minutes of August 24, 2021. VOTE: Unanimous, MOTION APPROVED.

PUBLIC HEARING: 7:16 PM, 108 West Main Street, LOT 4, 1 JANA WAY, Mixed Use

Motion to continue Public Hearing on 9/21/21 at 7:15: APPROVED all in favor. 1st Motion to Continue by Tom, 2nd by Keith.

For final decision, Karol Flannery will review tonight's meeting as she is not in attendance at this meeting.

Attorney Phil Parry asked to clarify decision for a vote, for the petitioner, in the event the Board is prepared tonight. Sandy Venner stated the Public Hearing may be concluded tonight and a straw vote will be taken. Janet Bernardo, Horsley Witten, reviewed all processes and procedures are complete. The only item to discuss is the sidewalk and how it should flow throughout the site as to the safety of the residents. Board states there is no need for more sidewalks just the inclusion of crosswalks and curve cuts. As stated by Attorney Phil Parry, prefers multi-family 9.8.3.2 mixed use designation. Board prefers Mixed Use Multi-Family with conditions for 55 Plus housing. Sandy Venner began the conversation for site plan review, landscaping and buffering. Elevation issue discussed and clarified. Façade of buildings is discussed. Consensus as far as approving Special Permit and Site Plan for Multi Family mixed use with conditions to be voted at the next meeting. Janet Bernardo to draw up decision with conditions. Public Hearing closed at 8:19PM.

OLD BUSINESS:

PROJECT UPDATES:

1. **Status of Abbey Way:** Chair Venner opened with the information from Jonathan Murray of KP Law. Jonathan Murray, per his email dated 9/17/21, to Board stated the Letter of credit is not sufficient security. Attorney Phil Parry stated the client intends to purchase a bond from Enterprise Bank in the amount of \$307,512.00 but the attorneys have not yet come to a resolution as to how to purchase the bond. Attorney Parry hoping the closing and the transfer of title will happen in a few days. They are working with the monies held by Enterprise Bank and the town to present the amount to the town by bond. Paul Croshere with Enterprise Bank is working with KP Law as to the logistics and procedure for the bond. Commissioner Sinibaldi clarified with Janet Bernardo, that the town is satisfied with \$40,000.00 to the highway department for offsite improvements and release the bank of

the obligations. Client to post bond to the Planning Board and bank to write the check to the Town of Merrimac account for release from Bear Hill obligation. Resolution to all paperwork to be completed prior to a vote as suggested by Attorney Jonathan Murray. Once resolution is available, the Board voted Chair Sandy Venner the authority to act on the behalf of the Board and sign for the bond. Motion 1st Tom A, 2nd Keith P. Unanimous approval.

2. **Old Glory Way:** Commissioner Sinibladi stated the project is 100% complete. The last action item from the state included the curbing at the entrance to be lowered. Curbing is complete. A final release and return of balance of funds is requested. Horsely Whitten bills to be sent to the developer. Developer has received reports but not bills. PB Admin to work on sending invoices to the developer. The account will be closed out after balance is issued.
3. **118 East Main Street Merrimac Commons (Veterans Highway 40B);** Commissioner Sinabladi stated the state granted road opening permit for Wallace Way to Attitash (center of the road). All conditions have been recorded with the Conservation Commission. The erosion control started on 9/21/21. The preconstruction meeting is to be determined.
4. **Zoning By-Law changes:** Language has been finalized and sent to the Town Clerk Public Hearing Notice for October 12th to be filed with newspaper by 9/24/21 for publish dates of 9/27 and 10/4/21. Self-Storage, Accessory Dwellings, Single Family Dwellings in Rural Highway articles amended have no objections. Article for Agricultural Employee Units determined to be allowed by SPECIAL PERMIT 6.4.9. Wording should include no rent involved. Straw vote for language change to special permit to Planning Board. Keith P., Dennis B., Tom A., in favor. Sandy Venner not in favor. Sandy to rework language for the rationale for the first half and Bob Sinibaldi to work the rest of Agricultural Dwellings. Due to own Hall by 9/27/21

NEW BUSINESS

1. Closing of Equestrian Estates, Deer Crossing project Escrows. 1st motion Tom, 2nd Keith. All in favor.
2. Transfer of funds form Regency Village Commercial account to new Jana Way account and close Commercial account. 1st motion Keith, 2nd, Tom. All in favor

CORRESPONDENCE:

1. WARRANTS: KP Law balances to be paid, 1st motion Tom, 2nd Dennis. All in favor.
2. Appeals petitions no objections
3. Surrounding Towns. Non at time of posting

ADJOURNMENT: 9:41 PM. Next meeting will be October 12, 2021.